

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.4485 OF 2018

ORDER:

Heard Smt.P.Rajani Reddy for petitioner and the Assistant Government Pleader (Revenue) for respondents.

The controversy between the petitioner and the respondents is in a very narrow compass. According to petitioner, the petitioner is the absolute owner and possessor of an extent of Ac.1-42 cents in Survey No.1243 of Chinnabhakarapuram Village, Duvvur Mandal, Kadapa District. The respondents, without recourse to law or by conducting survey and demarcation of the land retained by petitioner or petitioner's family, are interfering with petitioner's possession and trying to acquire the petitioner's land for providing house-sites. The respondents cannot treat the available vacant land as land acquired by them. According to petitioner, beneficiaries were already given house-sites and therefore, the land acquired does not remain vacant on ground.

The 4th respondent filed counter affidavit explaining the circumstances under which the land was acquired, award was passed and to the extent of land acquired, how and when possession was taken.

This Court is of the view that assertions made in the counter affidavit need not be examined for the purpose of disposing of the writ petition. The case on hand is demanding demarcation, identification of respective extents namely, the acquired land and the land retained by the petitioner in the same survey number. The

identification is possible, if survey is conducted in the presence of petitioner or her husband Chinna Gurrappa. To meet the ends of justice and to give quietus to uncertainty, the writ petition is disposed of by this order:

The interim order granted by this Court on 19.02.2018 is directed to be maintained for a period of three months from today. The petitioner is given liberty to apply for demarcation, survey and identification of land acquired by respondents and the land retained by petitioner or petitioner's family by enclosing a copy of this order. On such application, respondents 4 and 5 are directed to undertake survey, demarcation in the presence of petitioner or petitioner's husband, identify the respective properties and supply copy of survey report at nominal charges. Subject to outcome, further steps, if are required, may be taken in accordance with law.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT,J

Date:29.06.2018

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