

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.5970 OF 2018

ORDER:

The petitioner prays for the following relief:

“...Writ of Mandamus declaring the action of the Respondents in threatening to dispossess the petitioner from his peaceful property admeasuring 1-20 cents of agriculture land in Sy. No. 311/1A2 situated at Kantampalli Revenue Village Baireddipalli Mandal, Chittoor District without any notice and following of due process of law as illegal, arbitrary and unconstitutional and consequently direct the respondents not to dispossess the petitioner from his peaceful possession of the property admeasuring 1-20 cents of agriculture land in Sy. No. 311/1A2 situated at Kantampalli Revenue Village, Baireddipalli Mandal, Chittoor District...”

The learned Assistant Government Pleader for Revenue places before the Court the written instructions of respondent No.4 dated 23.02.2018, which read as follows:

“The land in S.No.311 measuring an extent of 1.00 acre out of 2.29 acres of Khambampalle village of this Mandal has been acquired vide Award proceedings Award No.12/83-84 dated 27.1.84 of Land Acquisition Officer cum Tahsildar, Palamaner together with other Survey Numbers for providing house site pattas to the weaker section people of the village and accordingly 30 house site pattas have been issued Accordingly, the S.No.311 has been subdivided as detailed below:

Original S.No.	After Sub-Division S.No. and sub-division No.	Extent	Remarks
311	311/1	1-29	Pattadar
	311/2	1.00	Land Acquisition Land
	Total	2.29	

The house site pattadars have occupied the land in S.No.311/1 (partly) and 311/2 (partly) and constructed houses by mistake. The pattadar legal heirs Sri G.Nagappa and two others have sold the other than the acquired extent to the Writ petitioner father vide Registered Document No.5/1985 dt.2.1.1985. Subsequently, the Writ petitioner has acquired right through registered gift deed bearing document No.2553/2017 dated 13.7.2017.

It is submitted that due to insufficient field knowledge the house site patadar have occupied the land towards northern and eastern side of S.No.311/1 and 311/2 and constructed the houses. Hence it is a mistake to be set right by way of again Sub-division in S.No.311/1 and 311/2 with that of equivalent extent of acquired land i.e. 1.00 acre and the problem has to be solved. It is further submitted that the respondents have never threatened the writ petitioner and directed to vacate the land..."

The written instructions are taken on record and accepted.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date:02.07.2018
Sp

S.V.BHATT, J