

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.5944 of 2018

Order:

The case of the petitioner is that she is the absolute owner of the land of an extent of Ac.0-32 gts., along with a Rice Mill existing therein by name "Seetharama Rice Mil" in Survey No.318, which was subsequently subdivided as 318/A/2/1/1 of Thimmapur Haveli village and Gram Panchayat, Khila Warangal Mandal, Warangal (Urban) of erstwhile Warangal District. She states that the said property was acquired by her under a registered gift settlement deed dated 08.02.2013 executed by her brother. She states that her brother obtained permission from Kakatiya Urban Development Authority, Warangal, for construction of Rice Mill and Kakatiya Urban Development Authority, Warangal issued permission on 30.09.2002 for construction of Rice Mill in the said Survey No.318 of Thimmapur Haveli village, Hanamkonda Mandal of erstwhile Warangal District. When there was an interference by the Tahsildar and others, the petitioner's brother filed W.P.No.13887 of 2011 and the same was disposed of on 07.06.2011 directing the respondents not to evict the petitioner therein from the land under his possession without conducting the survey operations in view of the dispute with regard to location of the land either in Survey No.241 or in Survey No.318.

It appears that no steps were taken for survey of the land as ordered by this Court in the above Writ Petition which was disposed of on 07.06.2011. Now, when a notice is issued under Section 7 of the A.P. Land Encroachment Act, 1905, on 09.02.2018 alleging the occupation of Ac.0.08 gts., of land in Survey No.241 of Thimmapur village by erecting the compound wall of the Rice Mill, the present Writ Petition is filed.

Since the present notice is directed against the occupation of Ac.0-08 gts., of land in Survey No.241 of Thimmapur village, the petitioner is given liberty to submit an explanation with regard to said allegation. In view of the earlier order of this Court in W.P.No.13887 of 2011 dated 07.06.2011, appropriate survey shall be conducted by the Tahsildar after submission of explanation by the petitioner and appropriate orders shall be passed in accordance with law. Since the learned counsel for the petitioner submitted that the time stipulated in the impugned notice had expired, the petitioner is given ten (10) days time from today for submitting the explanation.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 22.02.2018

Note:

Office to dispatch copy within three (3) days.

(B/O)

Nsr

