

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.5947 of 2018

Order:

The case of the petitioners is that they are the owners of the land of an extent of Ac.2-26 gts., situated in Survey No.318 of Thimmapur Haveli village and Gram Panchayat, Khila Warangal Mandal, Warangal (Urban) of erstwhile Warangal District. Originally, their father purchased the land of an extent of Ac.5-33 gts., in the said survey number from the vendors under a simple sale deed dated 17.07.1974 and thereafter he got the simple sale deed regularized under Section 5-A of the ROR Act, 1971. The revenue authorities issued Form 13-B and Form 13-C proceedings in favour of their father on 23.12.1995. After the death of their father, they succeeded to the said property and out of the total extent of Ac.5-33 gts., they have sold an extent of Ac.2-26 gts., to some third parties and they have been in possession and enjoyment of the remaining extent of Ac.2-26 gts. When there was an interference by the Tahsildar and others, their neighbour 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.0.06 gts., of land in Survey No.241 of Thimmapur village by erecting the bed making shed, the present Writ Petition is filed.

Since the present notice is directed against the occupation of Ac.0-06 gts., of land in Survey No.241 of Thimmapur village, the petitioners are 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 petitioners and appropriate orders shall be passed in accordance with law. Since the learned counsel for the petitioners submitted that the time stipulated in the impugned notice had expired, the petitioners are 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

