

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6204 of 2018

ORDER:

It is asserted by the petitioners that out of an extent of Ac.1-26 guntas, on an earlier occasion, an extent of Ac.1-20 guntas was acquired leaving Ac.0-06 guntas. Petitioner is in possession and enjoyment of the same and the same is reflected in 1B Certificate issued by the 4th respondent on 26.09.2017.

Learned Government Pleader has placed on record that in Sy.No.346 a total extent of Ac.9-00 guntas was acquired earlier and as a matter of fact on 06.12.2017 the Deputy Inspector of Survey, Devarakonda has conducted a survey and demarcation was done on the ground. It is further asserted that the petitioner is in occupation of the part of the land which was earlier acquired.

In the facts of the present case, the averments that the petitioner is in occupation of Ac.0-06 guntas or more than that, which was acquired earlier, is the matter which is required to be asserted. As at this point of time, though it is stated that on 06.12.2017 a survey was conducted by the Deputy Inspector of Survey, Devarakonda, it is not clear whether the respondents had issued notice to the petitioner before conducting enquiry. In those circumstances, to the extent of Ac.0-06 guntas of land, which, admittedly, was not part of earlier acquisition proceedings, the petitioner's right and enjoyment shall not be interfered. However, it is open for the respondent authorities to conduct an enquiry after issuance of notice to the petitioner and take possession of that part of the land, which is alleged to be in possession of the petitioner over and above the extent of Ac.0-06 guntas. Till such

time a joint survey is conducted and clear demarcation is made, the respondents shall not interfere with the peaceful possession and enjoyment of the petitioners in any manner.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, shall also stand closed.

CHALLA KODANDA RAM, J.

Date: 05.03.2018

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