

HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.23523 of 2004

ORDER.

Aggrieved by the action of the respondents in taking steps for resurvey of the land admeasuring Acs.8.00 cents in Survey No.937 of Chinna Chowk Village, Kadapa District, the petitioner filed this Writ Petition.

It is the case of the petitioner that originally one Kurupati Subanna and Erikana Ganganna @ Gangadu were the absolute owners of lands in Survey No.937 of Chinnachowk Village, YSR Kadapa District to an extent of Acs.4.00 cents each having inherited the same from their ancestors. Subsequently, several transactions took place and finally, the petitioner purchased the said lands under three registered sale deeds, dated 27.9.2003 and since then, the petitioner has been in possession of the said lands.

From a perusal of the record, it is evident that the subject has changed in series of hands and finally the petitioner, by way of three registered sale deeds, has been in possession of the same by doing cultivation activities therein. Strangely, when there was unlawful interference in respect of the boundaries, Section-145 (3) Cr.P.C proceedings were initiated for maintenance of peace by respondent Nos.1 and 2 in proceedings, dated 30.07.2004. Subsequently, there was a threat of interference under the garb of conducting resurvey and the petitioner suspected preventing him from doing cultivation activities therein.

Counter-affidavit has been filed by respondent No.4 stating that there was no action initiated contrary to law and more over, no arbitrary action has been taken to deprive the interest of the petitioner and only the land was subjected to survey on 25.02.2005.

In view of the above facts, the Writ Petition is disposed of directing the respondents not to interfere with the cultivation activities of the petitioner in the subject lands without following due process of law and insofar as any requirement to conduct any kind of survey, the respondents shall issue proper notice to the petitioner and all the parties concerned and without damaging the cultivation, the survey can be taken up under the supervision of the local police officials in order to prevent any law and order problem.

As a sequel, the Miscellaneous Petitions, if any, pending shall stand disposed of as infructuous.

JUSTICE T.AMARNATH GOUD

25th April 2018

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