

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.8959 OF 2018

Date: 21.03.2018

Between:

Sanganapalli Subbaiah, s/o. late Ankaiah,
Aged about 60 years, r/o. Pangili village,
Rapur Mandal, SPSR Nellore district.

.....Petitioner

and

The State of Andhra Pradesh, rep.by its Secretary,
Revenue Department, Secretariat, Velagapudi,
Amaravathi, Guntur District and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner claims that he is owner of house allotted by the Government in Pangili village, Rapur Mandal, SPSR Nellore district. According to petitioner, there was a passage to an extent of Ac.0.54 cents in Sy.No.39-1 and the same is being used for long time. While so, person by name Gali Gangaiah and his sons encroached the passage and using it as cattle shed and erected fencing. Petitioner and other villagers protested the same. Finally, petitioner filed complaint on 26.02.2018. Alleging inaction on the complaint, this writ petition is filed.

2. Written instructions furnished by the Tahsildar (FAC), Rapur to the learned Government Pleader would disclose that the land in Sy.No.39-1 is a private patta land and there is no encroachment by Gali Sudhakar and that there is no pathway in the said survey number. It appears, on request of petitioner, matter was examined and found the above noted facts. According to the instructions, petitioner is residing in house in Sy.No.40, classified as 'Gramakantam' and is having pathway to his house.

3. Having regard to these instructions, it cannot be said that there was deliberate inaction on the respondents in removing encroachments as alleged by petitioner. Further, the persons against whom allegation of encroachment is made are not parties to the writ petition. Thus, even assuming what is contended is true, no relief can be granted without hearing affected persons.

Leaving it open to the petitioner to work out his remedies as available in law, writ petition is dismissed.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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