

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 23006 of 2007

O R D E R:

Petitioners assert that they are in possession of the land in Survey No.343 of Dundigam Village and undertaking cultivation since 30 years. They also assert that they dug a bore-well on the said land and obtained electricity connection. Now, their grievance is that the respondents issued a notice under Section 7 of the A.P. Land Encroachment Act, 1905, to them stating that they have encroached the land admeasuring Acs.6.00 in Survey No.340 of Dundigam Village, Dagadarthi Mandal, Nellore District. Hence, this writ petition.

At the stage of admission, on 13.11.2007, this Court passed an order to the effect that the petitioners shall not be dispossessed pursuant to the impugned notice, for a period of ten days. Thereafter, on 30.11.2007, the said order was extended until further orders and the writ petition came to be admitted on 18.08.2008.

Respondent No.2 filed a counter-affidavit stating that by mistake, in the impugned notice, Survey No.340 was mentioned and the petitioners are in possession of the land in Survey No.343.

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for the respondents.

Admittedly, the impugned notice was issued in respect of Survey No.340 and as on date, no notice was issued to the petitioners with respect to the land in their possession.

In those circumstances, the writ petition is allowed and the impugned notice is set aside. The respondents are directed not to interfere with the possession and enjoyment of the petitioners over the land in their occupation.

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

Dt:04.04.2018

kdl

CHALLA KODANDA RAM, J

