

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.11135 OF 2018

ORDER:

Heard Mr.Prakash for petitioners and the Assistant Government Pleaders (Revenue and Panchayatraj) for respondents.

The petitioners apprehending interference with petitioners' possession and enjoyment of agricultural land in Survey No.98-4D in an extent of Ac.0-66 cents and also Ac.1-46 cents in Survey No.97-2A and trying to lay road without recourse to law have filed the writ petition.

The petitioners are owners and possessors of agricultural land in Survey Nos.98-4D and 97-2A of Kothakota Village, V.Kota Mandal, Chittoor District.

The petitioners allege that the respondents are laying road from Bellakunta to Aramakanapally Link Road. The proposed road is likely to pass through Survey Nos.97 and 98. Hence the writ petition.

The Court on 06.04.2018 directed not to dispossess the petitioners from patta land except in accordance with law.

The 6th respondent filed counter affidavit and admits that the petitioners are owners and possessors of agricultural land in Survey No.98-4D in an extent of Ac.0-66 cents and also Ac.1-46 cents in Survey No.97-2A. The reply of 6th respondent is against alleged interference or encroachment with the proprietary right of the petitioners. It is alleged that the road now laid by respondents passes through Survey No.96/1 which is classified as Poramboke and

as matter of fact, the petitioners have encroached the land in Survey No.96/1. The petitioners were asked to remove the encroachment for laying the road.

Mr.Prakash submits that the survey conducted behind the back of petitioners ought not to be relied upon for the purpose of asserting that the petitioners are encroachers of land in Survey No.96/1. He further submits that the petitioners are prepared to participate in the survey if conducted in their presence and finally if any encroachment is there, they are prepared to remove it. The statement of Mr.Prakash appears to be reasonable. The Assistant Government Pleaders do not have objection for conducting survey of all the three survey numbers and demarcating Survey Nos.96/1, 97-2A, 98-4D and identify encroachment if any by the petitioners. The encroachment may be identified on ground and the petitioners undertake to remove the encroachment, if any, at the time of survey. The above exercise of conducting survey and removing the encroachment, if any, is directed to be completed within four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date: 20.06.2018

Note: C.C. in three days.

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