

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.12553 OF 2018

ORDER:

Heard Mr.Ismail holding for Mr.K.Sai Mohan Rao, the learned Assistant Government Pleaders for Assignment and Women & Child Welfare.

The petitioner prays for the following relief:

“...WRIT OF MANDAMUS declaring the action of respondent Nos.4 and 5 in trying to encroach petition land extents Ac.0.02 cents in Plot No.8 in R.S.No.55/3 situated at Parnashala Village, Tarakaturu Panchayat, Guduru Mandal, Krishna District without following the due process of law is bad, illegal, arbitrary, discriminatory, contrary and violation of principles of natural justice and consequently direct respondent Nos. 4 and 5 not to evict the petitioner...”

The petitioner claims to be in actual and physical possession of the subject matter of writ petition. Apprehending unauthorised or illegal dispossession by respondents, the present writ petition is filed.

The Assistant Government Pleaders, on instructions, submit that the petitioner claims enjoyment of Plot No.8 and to that extent the respondents are not interfering with the enjoyment of petitioner of Plot No.8. According to counsel, in Plot No.9, the respondents are constructing Anganwadi Centre and the petitioner ought not to have any objection for construction of Anganwadi Centre in Plot No.9. Mr.Ismail submits that by referring to constructing Anganwadi Centre, the respondents are encroaching into the land enjoyed by the petitioner in Plot No.8

These aspects need not come this far particularly adjudication under Article 226 of the Constitution of India. The respondents state that they are not interfering with the petitioner's possession of Plot No.8, but the apprehension of the petitioner is that in the name of constructing Anganwadi Centre in Plot No.9, the respondents are encroaching into Plot No.8. Therefore, the writ petition is disposed of by this order:

The statement of respondents that the respondents are not interfering with the possession and enjoyment of petitioner of Plot No.8 is placed on record and accepted. The petitioner is given liberty to represent to respondent No.4 by enclosing a copy of the assignment for demarcation of Plot Nos.8 and 9 to avoid further litigation in this behalf. As and when such a request is made, the 4th respondent undertakes survey, identifies Plot Nos.8 and 9 and thereafter Anganwadi Centre can be constructed in Plot No.9.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:13.04.2018

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