

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.10194 OF 2017

ORDER:

Heard Mr.Koteshwara Prasad for petitioners, the Assistant Government Pleader for Revenue and Mr.Ravi Chimalapati for 3rd respondent /Grampanchayat.

The petitioners claim to be the owners of the land in an extent of Ac.1-00 in Survey No.227/5, Kanchugummala Revenue Village. The petitioners, apprehending either interference or laying road by respondents 2 to 7 without recourse to law, have filed the instant writ petition.

The Assistant Government Pleader (Revenue), referring to the written instructions dated 24.03.2017 together with the combined sketch of Survey No.227/5 and also Chinthala tank in Survey No.226 contends that the petitioners in fact, have encroached on southern side of their land where a channel exists as an inflow into Chinthala tank.

The Grampanchayat filed counter affidavit and disputes the truth or otherwise of the averments in the writ affidavit. Though, the petitioners ought to be given liberty to work out their remedies by filing a suit in the Court having jurisdiction, keeping in view the submission of Mr.Koteshwara Prasad that the respondents if undertake survey of the extent the petitioners claim in Survey No.227/5 and the land demarcated, and the authorities do not interfere with patta land, the petitioners do not have objection. This Court to meet the ends of justice and to shorten the avoidable

litigation places on record the alternative submission of Mr.Koteswara Prasad and disposes of the writ petition by this order:

The 2nd respondent is directed to issue notice of survey to petitioners and 3rd respondent-Grampanchayat, if necessary to Irrigation Department also with reference to field maps, delineate the boundaries of Survey No.227 and also the sub-divisions therein, and encroachment of land is found either of the channel or the bund of the channel, the 2nd respondent is directed to take action and remove all the encroachments in the channel into Chinthala tank. The said exercise is directed to be taken up and completed within four weeks from the date of receipt of a copy of this order. Till the survey is completed and communication is sent to parties, status quo granted by this Court on 24.03.2017 is maintained. After the survey etc. is completed, the amount payable for survey and demarcation shall be collected from the petitioners.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:17.04.2018

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