

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.13972 OF 2018

Dated:23.04.2018

Between:

M. Naidu, S/o. Narasimhappa,
Age 60 years, K. Kottala Palli Village,
Garladinne Mandal, Anantapur
District and another

.. Petitioners

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Department of Revenue
And assignment Department, Secretariat
Buildings, Velagapudi, Guntur District,
Andhra Pradesh and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.13972 OF 2018****ORDER:**

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for respondents 1 to 4.

2. Petitioners were assigned lands to an extent of Acs.5.30 cents in Survey No.121-3 and Acs.2.82 cents in Survey No.123 of K. Kottalapalli Village, Garladinne Mandal, Anantapur District, in the years 1991 and 1990 respectively. According to petitioners, they developed the said lands and raised orange garden. While so, respondent No.5 complained to the District Collector, Anantapur District, on 05.03.2018 alleging that petitioners have encroached and occupied Rastha denying access to the properties of others including the complainant. At this stage, present Writ Petition is filed declaring the action of respondents 2 to 4 in directing the petitioners to remove the orange trees raised on the subject properties in response to the complaint filed by respondent No.5 and the same is illegal.

3. Except for the copy of the complaint enclosed as Ex.P1, no other material is placed on record. It appears from the reading of the photo copy of the complaint that certain endorsements were made by the respective authorities. It cannot be expected that survey would be conducted behind the back of the petitioners and without due opportunity to them, they shall be evicted from the subject lands. This is a pre-emptive litigation to prevent the competent authority from considering the complaint lodged before

him on the allegation of encroachment into the public road. The Writ Petition merits no consideration.

4. The Writ Petition is accordingly dismissed leaving it open to the petitioners to work out their remedies as available to them in law, if aggrieved by any action taken against them without following due process. There shall be no order as to costs.

Miscellaneous Petitions, if any, filed in this Writ Petition shall stand closed.

Date:23.04.2018

KH

P. NAVEEN RAO, J

