

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.14896 OF 2018

ORDER:

The petitioners pray for the following relief:

.... this Hon'ble Court may be pleased to issue an appropriate order or direction more particularly, one in the nature of Writ of Mandamus declaring the action of the Respondent Nos.2 to 4 in not removing encroachments in Layout situated in old Sy.No.733 (new Sy.No.741 and 743) of Cherukumudi Village, Manubole Mandal, SPSR Nellore District and in not distributing the 35 un-allotted plots in favour of the petitioners and others who are eligible for assignment of house site pattas as illegal, arbitrary, mala fide, against to the principles of natural justice and in detrimental to petitioners valuable rights apart from being violative of Article 21 of the Constitution of India and direct the Respondent Nos.2 to 4 to take appropriate action for removal of encroachments in Layout situated in old Sy.No.733 (new Sy.No.741 and 743) of Cherukumudi Village, Manubole Mandal, SPSR Nellore District and in to distribute the 35 un-allotted plots in favour of the petitioners and others who are eligible for assignment of house site pattas in the interest of justice and pass..."

The prayer broadly states the circumstances under which the petitioners have invoked the jurisdiction of this Court under Article 226 of the Constitution of India. Briefly stated, the petitioners have grievance against respondents 2 to 4 in not removing encroachments in Sy.No.733 of Cherukumudi Village, Manubole Mandal, SPSR Nellore District. Secondly, the non-allotment of plots to eligible persons is illegal and unconstitutional.

The Assistant Government Pleader places on record the written instructions dated 05.06.2018. The operative portion of the written instructions read thus:

"Beyond that, I and my staff were never interfered into their CJFS land in Survey No.753/2. But they were filed a Writ Petition 34632/2017 before the Hon'ble High Court of Andhra Pradesh not to dispossess them from the land in their possession. The Hon'ble High Court passed an interim order "not to take any coercive action against the petitioners if petitioners were not dispossessed nor alleged assignment granted to their grandfather was not

already cancelled". We have not taken any action against the writ petitioners to dispossess them from their original CJFS land and also not cancelled their CJFS patta. The same was mentioned and the Counter Affidavit also filed before the Hon'ble High Court of Andhra Pradesh to vacate the interim orders. The present Writ Petitioners filed grievance petition (Petition No.20179-7970803) before the District Collector to evict the encroachments and allot the house site plots to the houseless families. Tahsildar Office Rc.B.928/2017, dt.13.11.2017, an endorsement was given that a writ petition is filed before the Hon'ble High Court of Andhra Pradesh, and will be sort out after the Hon'ble High Court orders. The petitioners again filed a grievance before the District Collector to re-enquire into the matter and sort out the house sites encroachment. The Revenue Divisional Officer, Nellore in Rc.K.3869/2017 dt.21.12.2017, have instructed to re-enquire on the grievance petition and to take necessary action. It is further submitted that a report also submitted to the Revenue Divisional Officer, Nellore that on the subject land there is a Writ Petition (W.P.No.34632/2017) filed before the Hon'ble High Court of Andhra Pradesh, and after the disposal of the writ petition, we will sort out the grievance and an endorsement was also served to them. Now they filed a Writ Petition (W.P.14896/2018) before the Hon'ble High Court of Andhra Pradesh".

From the above, he contends that in view of the said order granted by this Court, the respondents are prepared to examine the issue and do the needful. After perusing the record, this Court is of the view that both the prayers are misconceived at this juncture. The petitioners, if are so advised and are not parties to the writ petition referred to above, can take steps for vacating the interim order and thereafter cooperate for enquiry as directed by the District Collector.

The writ petition is, accordingly, dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending stand closed.

S.V.BHATT,J

06th June, 2018
Lrkm