

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Writ Petition No.20217 of 2014

ORDER:

The petitioner seeks Writ of Mandamus declaring the action of respondents 4 to 6 in not preventing the third parties from rising unauthorized structures in Sy.No.496 to an extent of Ac.1-23 cents which is kaluva poramboke situated at Nellore town and Mandal, S.P.S.R Nellore District, is illegal and arbitrary and consequently direct the respondents 4 to 6 to forthwith stop rising unauthorized structures in the aforesaid property.

2) The petitioner's case briefly is that he is the resident of Fathakhanpet, Arigela Veedhi, Nellore town and a social activist. He came to know that some third parties started rising unauthorized structures in Sy.No.496 to an extent of Ac.1-23 cents which is kaluva poramboke situated in Nellore town. Inspite of his making representation to respondents 4 to 6, no action was taken.

Hence the writ petition.

3) Learned Assistant Government Pleader for Revenue appeared on behalf of respondents 1 to 4; learned Assistant Government Pleader for Irrigation appeared for respondent No.5 and learned Standing Counsel for Municipal Corporation appeared for respondent No.6. No counters filed by the respondents.

4) On instructions learned AGP for respondents 1 to 4 would submit that Sy.No.496-1 in an extent of Ac.1-23 cents is classified as “Canal Poramboke”, which is under the administrative control of Irrigation Department. Out of the same, in an extent of Ac.0-38 cents in Sy.No.496-1a, Ryot Bazar was constructed leaving the remaining extent of Ac.0-85 cents as vacant. On enquiry, it came to light that one Smt.Kanchi Vijayakumari W/o. Penchalaiah of Nellore has displayed a notice board during first week of July, 2014 in part of Sy.No.496-1 indicating that the land belongs to her. The-then Mandal Surveyor, Nellore along with the-then Village Revenue Officer inspected the land and verified the ground realities on 18.07.2014 and submitted an enquiry report stating that no construction work was taken up by the individuals in the said land. They removed the notice board erected by Kanchi Vijaya Kumari. Learned AGP would further submit that in the year 2009, said Vijaya Kumari encroached an extent of 40 Ankanams of land in Sy.No.496-1 and started construction of house therein. Having noticed her illegal encroachment and efforts to construct a house therein, the officials belonging to Irrigation Department and Municipal authorities in coordination with the Revenue Officials evicted the individuals from the land under due process of law and demolished the construction therein and thereafter the encroached portion of land was taken possession by Irrigation Department. In view of the repeated trials by the individuals, the Irrigation Department was requested to file a criminal case against the Vijaya Kumari for her willful illegal trespass. The Tahsildar, Nellore, along with Village Revenue Officer Cluster-VI and Mandal Surveyor,

inspected the land on 16.12.2018 in Sy.No.496-1 and found that there were no encroachments and constructions covered by an extent of Ac.0-85 cents of land. Presently, the land under reference is vacant on ground and free from encroachments and the same is under the control of the Irrigation Department. Learned AGP also filed some photographs in his endeavour to show that the subject land is now free from encroachments.

5) Upon hearing the submission of learned AGP and upon verifying the photographs, learned counsel for petitioner satisfied and requested the Court to close the writ petition.

6) In view of the above respective submissions of the learned counsel, this Writ Petition is closed as no further orders are required in the matter. No costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 21.12.2018

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