

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.24745 of 2018

ORDER:

Heard Mr.C.Subodh for petitioner and the learned Assistant Government Pleader for Revenue.

The petitioner challenges dispossession or interference with petitioner's enjoyment of Ac.09-00 cents in Sy.No.230/1-2, Krishnapuram Village, Boodavada Panchayat Marripadi Mandal, SPSR Nellore District, as illegal and unconstitutional.

On 18.07.2018, at the request of respondents, the writ petition is directed to be listed today for reply or instructions.

The Assistant Government Pleader places on record the written instructions dated 18.07.2018 and the operative portion of the instructions reads thus:

“In anticipation of the eviction of the encroachment of the land of Jawahar Navodaya Vidyalaya the encroacher has linked the said land owned by him as his ancestors property in the same Sy.No.230/1-2 and to prevent the Revenue authorities on the eviction of his encroached land relating to Jawahar Navodaya Vidyalaya he approached the Hon'ble High Court to stop interference to the land of the writ petitioner in Sy.No.230/1-2.

It is submitted that this respondents are in no way touched the land of the writ petitioner Ac.9.00 in

Sy.No.230/1-2. This respondents have taken steps to ear mark the sites which were allotted to Jawahar Navodaya Vidyalaya property in Sy.No.230/1-1, 228/2, 732/2 and 226/1 of Krishnapuram H/o Budawada village and to show possession of the land allotted to the Jawahar Navodaya Vidyalaya with clear marking of the boundaries.

This respondent finally submits that there is no throught in the allegation leveled against the respondents by the writ petitioner who approached the Hon'ble High Court on the non-interference of his land.

The respondents strictly obeyed the orders of the Hon'ble High Court issued in WPMP.No.26615/2015 Dt.17.07.2015 and not taken any cohesive steps to enter in to the said land Ac.9.00 in Sy.No.230/1-1 of Krishnapuram H/o Budawada village of Marripadu mandal of SPS Nellore District. As per Diglot the total extent of the Sy.No.230/1 is Ac.15.22 out of that the writ petitioner claimed Ac.9.00 in the same Sy.No. sub divided as 230/1-2 and Ac.2.00 were allotted to Jawahar Navodaya Vidyalaya in Sub division No.230/1-1. The Writ Petitioner has encroached the land Ac.1.00 in Sy.No.230/1-1 allotted to the Jawahar Navodaya Vidyalaya and this respondent has in no way touched the land Ac.9.00 of the writ petitioner.

A sketch showing the encroachment of the land Ac.1.00 in Sy.No.230/1-1 out of Ac.2.00 allotted to the Navodaya Vidyalaya and the land Ac.9.00 in Sy.No.230/1-2 of the writ petitioner are submitted herewith."

From the above, it is clear that the respondents are firstly accepting the right and entitlement of petitioner to an extent of Ac. 9-00 cents in Sy.No.230/1-2 of Krishnapuram Village, Boodavada Panchayat Marripadi

Mandal, SPSR Nellore District and are taking steps to identify and demarcate the land allotted to Jawarhar Navodaya Vidyalaya. The instructions refer to survey said to have been conducted by the respondents but the same is in the absence of petitioner.

Hence, Mr.Subodh on instructions submits that the grievance of petitioner is always limited to property claimed by him in Sy.No.230/1-2 measuring Ac.09-00 cents and that the petitioner is not interested in Government land or encroachment in neighbourhood. Therefore, he requests the Court to direct the 5th respondent to undertake survey and demarcation of Ac.09-00 cents held by the petitioner and the land allotted to Jawarhar Navodaya Vidyalaya.

The Assistant Government Pleader does not oppose the request. Further, he contends that the 4th respondent is entrusted to identify the land allotted in favour of Jawarhar Naavodaya Vidyalaya and allow the school to be established.

Keeping in view the limited submissions, the writ petition is disposed of by this order:

The petitioner by enclosing a copy of this order and also by paying applicable charges, makes a request within two (02) weeks for conducting survey and demarcation of

the land held by the petitioner and the land allotted to Jawarhar Naavodaya Vidyalaya.

The 5th respondent on receipt of request as indicated above, issues notice to petitioner by registered post with acknowledgment due, intimating the date and time of survey. On the appointed day, the survey is to be completed and copy of report also be given to the petitioner. The petitioner, if is in possession of Government land and/or has included within his compound wall, Mr.Subodh, submits that compound wall will suitably be removed by the petitioner and reconstruct the compound wall on the land held by the petitioner.

The entire exercise is directed to be completed within four (04) weeks from the **date** of receipt of copy of this order. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Date: 20.07.2018
dv

