

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.9288 OF 2017

ORDER:

Heard Sri Gaddam Srinivas, learned counsel for the petitioner, learned Government Pleader for Panchayat Raj and Rural Development (A.P.) appearing for respondent Nos.1 and 2 and the learned Government Pleader for Revenue (A.P.) and the learned Government Pleader for Assignment (A.P.) appearing for respondent No.3.

2. The only grievance of the petitioner in the present writ petition is the alleged inaction on the part of respondent No.2 in taking consequential action pursuant to the report submitted by respondent No.3 - The Tahsildar, Krosuru Mandal, Guntur District *vide* Rc.No.49/2016-C, dated 08.02.2016, to the District Panchayat Officer, Guntur.

3. According to the petitioner, he is the absolute owner and possessor of the agricultural land admeasuring Ac.13.35 cents in Sy.No.322, Gudipadu Grama Shivaru, Nagavaram Village, Krosuru Mandal, Guntur District and the same is a patta land and the authorities issued pattadar passbooks and title deeds also. It is further stated that the Government acquired Ac.21.25 cents in Sy.Nos.327, 329, 330, 331/2, 332 and 334/4 of Gudipadu Grama Shivaru, Nagavaram Village, Krosuru Mandal, Guntur District for the purpose of constructing a tank. It is also stated in the writ affidavit that the land of the petitioner in Sy.No.322 is situated adjacent to the said lands which have been acquired by the Government for construction of a tank. It is stated that while

laying the bund to the said tank, an extent of Ac.3.00 cents belonging to the petitioner in Sy.No.322 was encroached and covered with the bund. It is further stated that on the representation, dated 02.01.2016, submitted before respondent No.3, instructions were issued by respondent No.3 to the Mandal Surveyor and the Mandal Surveyor personally inspected the subject lands in dispute by conducting the survey and found that there is an encroachment of Ac.3.00 cents of patta land belonging to the petitioner covered by the bund. In fact, on the basis of the same, the Tahsildar, Krosuru Mandal, *vide* proceedings in Rc.No.49/2016-C, dated 08.02.2016, while pointing out the above, submitted a report for necessary action to the District Panchayat Officer, Guntur District – respondent No.2 herein. The grievance of the petitioner in the present writ petition is that despite receipt of the said representation, no action has been taken by the respondent authorities and the same is violative of Articles 14 and 300-A of the Constitution of India.

4. Having heard the learned counsel for the petitioner, and in view of the report submitted by the Tahsildar, Krosuru – respondent No.3 herein on 08.02.2016, and keeping in view the representation, dated 02.01.2016, submitted by the petitioner, the Writ Petition is disposed of, directing respondent No.2 herein to take consequential action pursuant to the report submitted by respondent No.3 *vide* proceedings in Rc.No.49/2016-C, dated 08.02.2016, within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.

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

JUSTICE A.V.SESHA SAI

Date : 02.01.2018
AMD



THE HONOURABLE SRI JUSTICE A.V.SESHA SAI



WRIT PETITION No.9288 OF 2017

Date: 02.01.2018

AMD