

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.29258 OF 2018

ORDER:

The present writ petition came to be filed seeking to declare the action of the respondents 2 to 4 in not taking action against the 5th respondent in proceeding with the construction in Rastha Poramboke admeasuring Ac.0.28 cents situated at Sy.No.46/3 of Chandragiri Village and Mandal, Chittoor District, pursuant to the representation dated 9.8.2018 of the petitioner and others, as illegal and arbitrary.

The grievance of the petitioner is that he is the absolute owner of the land admeasuring Ac.0.30 cents situated at Sy.No.46/3 of Chandragiri Village and Mandal, Chittoor District as he has purchased the same through a registered sale deed dated 2.3.1988 from one Charles Gnana Prakash Rao. It is further stated that the 5th respondent herein was the Sarpanch of Chandragiri Village and with a view to prevent the petitioner from using Rastha in Sy.No.46/3 and confine the petitioner to his land, hatched a plan in collusion with some of the revenue authorities and created a fake D.K.T patta in respect of the Rastha Poramboke in an extent of Ac.0.28 cents and the survey number for Rastha Poramboke was subdivided as 46/3A. On the basis of the said fake patta, the 5th respondent submitted false claims in respect of the same Rastha Poramboke. Under those circumstances, the petitioner submitted a representation on 9.8.2018 to the respondents 2 to 4 requesting them to take necessary action against the 5th respondent from proceeding with the construction in Rastha Poramboke in Sy.No.46/3. But, the respondents 2 to 4 did not take any action against the 5th respondent so far.

Learned counsel for the petitioner submits that though the petitioner submitted a representation on 9.8.2018, requesting the

respondent-authorities to take action against the 5th respondent for his illegal encroachment, no action has been taken so far.

When the matter is taken up for hearing, the learned Government Pleader for Revenue submits that if there is any encroachment of Rastha, the respondents 2 to 4 will forthwith take action against the person who is encroaching into the Rastha Poramboke.

Having regard to the facts and circumstances of the case and in view of the submission made by the learned Government Pleader for Revenue, the writ petition is disposed of directing the respondents 2 to 4 to visit the subject land forthwith and take steps as to whether there is any encroachment on Rastha Poramboke situated at Sy.No.46/3 of Chandragiri Village and Mandal, Chittoor District, by the 5th respondent and pass appropriate orders on the representation dated 9.8.2018 submitted by the petitioner, in accordance with law, as early as possible preferably within a period of eight weeks from the date of receipt a copy of this order, after giving the reasonable opportunity of hearing to the petitioner and all the concerned. It is needless to mention that if there is any fencing raised by any of the parties, the same shall be removed in accordance with law.

With the above direction, the writ petition is disposed of. No order as to costs. As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand closed.

Dated:17.08.2018.
Gk

C. PRAVEEN KUMAR, J

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