

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.15069 of 2017

ORDER:

This writ petition is filed complaining inaction on the part of the respondent authorities with regard to the occupation of petitioner's land to an extent of Ac.0.06 cents in Survey No.76 situated at Puttayapalle Village, Badvel Mandal, YSR Kadapa District, by the fifth respondent.

It is the case of the petitioner that he is in possession and enjoyment of the subject land. It is his assertion that the fifth respondent buried the dead body of his daughter in the subject land. It is also his assertion that having come to know about burying of the dead body adjacent to Hanuman Temple constructed in the land to an extent of Ac.0.07 cents donated by his family, the petitioner had approached the revenue authorities and submitted a complaint with a request to take appropriate action, but, so far, no action has been taken thereon.

A counter-affidavit is filed by the fourth respondent – Tahsildar, Badvel Mandal, YSR Kadapa District, stating that the allegation of the petitioner that the fifth respondent buried the dead body of his daughter in the subject land is false and as a matter of fact, in an enquiry, it is revealed that the burial was done in the land to an extent of Ac.0.18 cents in Survey No.112

of Puttayapalle Village, Badvel Mandal, and the said land is classified as road poramboke as per RSR of Puttayapalle Village. It is specifically stated that the temple was constructed in the land to an extent of Ac.0.07 cents in Survey No.76 and still, the balance extent of the land is vacant. It is also stated that the specific allegation of the petitioner that the tomb has been constructed in the subject land is false, and it is only on account of the village rivalry, such allegation was levelled against the fifth respondent.

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for respondent Nos.1 to 4.

There is neither appearance nor representation on behalf of the fifth respondent.

There is no reason for this Court to ignore the specific statement of the fourth respondent that the dead body of the daughter of the fifth respondent was buried in the land in Survey No.112. Though the learned counsel for the petitioner has submitted that the respondent authorities may be directed to take action against the fifth respondent for his illegal occupation of the land in Survey No.112, when the allegation of the petitioner, as averred by him in the writ affidavit, is that the fifth respondent had encroached the land in Survey No.76, this Court is not

inclined to pass a general order directing the respondent authorities to take steps for the alleged occupation of the land in Survey No.112 by the fifth respondent. In the event the petitioner is aggrieved with respect to the fifth respondent's alleged occupation of the land in Survey No.112, the said relief being distinct to the relief sought in the present writ petition, he is at liberty to espouse the same in other proceedings but not in the present writ petition, in which, the allegation of the petitioner is that the fifth respondent buried the dead body of his daughter in the subject land, which is adjacent to Hanuman Temple constructed in the land donated by the petitioner's family.

In those circumstances, the writ petition is dismissed leaving it open to the petitioner to workout the remedies available in law with respect to the acts of the fifth respondent, if he so desires.

Miscellaneous Petitions, if any pending shall stand dismissed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

3rd JANUARY, 2018.

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