

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 31137 of 2018

ORDER:

The present writ petition is filed seeking issuance of a writ of *Mandamus* to declare the action of the 3rd and 4th respondents in seeking to form a 'donka' (cart track) on the eastern side of the lands of the family of the petitioner in Survey Nos. 183, 184, 185 and 186 of Molakalapundla Village, Sydapuram Mandal, SPS Nellore District, without issuing any notice to the petitioner or her family members, as illegal, arbitrary and incorrect.

2. Learned Government Pleader, on instructions, states that the land through which the cart track is sought to be laid is a government land, and the petitioner is under illegal occupation on the said land, to an extent of Ac.0.90 cents. It is stated that she is also having Chavaka plantation in the said land, and the remaining extent of Ac.0.62 cents is being used as pathway to Kandali Village of Gudur Mandal. Since the encroachment is on Donka Poramboke, the said area was surveyed and boundary stones were fixed. The fact that trees were removed from the encroached land, is denied.

3. The learned Government Pleader would submit that any action taken by the respondents would be only in accordance with law.

4. Recording the above submission, this writ petition is disposed of at the admission stage, directing the 3rd and 4th respondents to take appropriate steps, in accordance with law, if they intend to dispossess the petitioner from the subject land, for the purpose of forming a cart track. There shall be no order as to costs.

5. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

10.09.2018
DMG



JUSTICE C. PRAVEEN KUMAR