

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 20684 OF 2016

AND

CONTEMPT CASE No. 528 OF 2017

COMMON ORDER:

The Writ Petition is filed questioning the action of the respondents in digging pits / raising fencing in part of the petitioner's land over an extent of Acs.4.65 cents in D.No. 482/1, 2 of Perecherla Village, Medikonduru Mandal, Guntur District.

While issuing notice before admission, this Court, on 04.07.2016, directed the respondents not to dig pits or raise fencing in the petitioner's land.

Complaining disobedience of the said order dated 04.07.2016, Contempt Case No. 528 of 2017 has been filed. Pursuant to the notice issued in the Contempt Case, the 2nd respondent Principal Chief Conservator of Forests filed a counter-affidavit stating that the Forest Department never dug up pits in the petitioner's land and the respondents never took up any activity that to sustain any losses to the petitioner including his land and when then above dispute came to the notice, the Divisional Forest Officer, Guntur, the 3rd respondent, wrote a letter to the Revenue Divisional Officer, Guntur and the Assistant Director, Survey and Land Records, Guntur for taking up joint survey in the subject land.

This Court, considering the material placed before this Court and also considering the fact that there appears to be a boundary dispute, directed the respondent authorities to conduct a joint

survey. Pursuant to the said direction, a joint survey was conducted and demarcation was also made.

On the earlier occasion, learned Government Pleader for Forests furnished to this Court the communication dated 23.04.2018 received from the Divisional Forest Officer, wherein it has categorically been informed that a joint survey was conducted on 05.04.2018 and thereafter, boundaries were re-fixed as per the Field Measurement Book. It is further asserted that the total fencing erected earlier was removed and re-fixed as per the joint survey. This communication was furnished in response to the notice issued in CC No. 528 of 2017.

At this stage, learned counsel for the petitioner submits that the copy of the survey report has been furnished to the petitioner and that he may be given liberty to challenge the same, if any grievance persists.

In the light of the developments and inasmuch as substantially, the grievance of the petitioner stands redressed, the Writ Petition is closed with liberty to the petitioner to assail the survey report, if he is otherwise aggrieved, before the competent authority.

Inasmuch as the Writ Petition itself stands closed, the Contempt Case is also closed. No costs.

Consequently, the miscellaneous Applications, if any in both the cases shall also stand closed.

CHALLA KODANDA RAM, J

05th June 2018

ksld