

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.42470 OF 2017

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner states that he was given a D.K. patta for the land of an extent of Acs.0.01 3/4 cents of house site at Siddavaram Village, Konakanamitla Mandal, Prakasam District. Apprehending forceful eviction from the said land, he filed the present writ petition.

A counter affidavit is filed by the second respondent stating that Siddavaram Village SC colony is located in Survey No.144 in an extent of Acs.9.75 cents. It was sub-divided into house site plots with internal roads. The petitioner having political influence encroached south and west side internal road, which is leading to main road to old village site and he closed the road by erecting four wooden poles and dumping waste material. In those circumstances, the villagers made a complaint to the second respondent and the site was physically verified. In spite of the instructions by the Tahsildar, the petitioner did not remove the obstruction and when the Revenue Inspector and Village Revenue Officer along with the Village Revenue Assistants tried to remove the obstructions in the pathway, the petitioner encouraged his family female members to cause obstruction to the duties of the Revenue Officials. In that connection, a complaint was lodged and it was registered as crime No.71 of 2017. In order to avoid those proceedings, he filed the present writ petition. It is also stated that the Tahsildar never tried to evict the petitioner from his site. The petitioner occupied south and west side internal road, which is adjacent to his plot, and enclosed the pathway and with a malafide intention causing obstructions to his neighbouring families.

This Court perused the patta granted in favour of the petitioner in June, 2005 and it disclosed that he was granted patta for Acs.0.01 3/4 cents in Survey No.144 of Siddavaram Village. The same is not disputed by the respondents in the counter affidavit, but the case of the respondents is that the petitioner occupied extra land, closed the roads and causing obstructions to the other villagers.

In the circumstances, the writ petition is disposed of directing the respondents not to interfere with the land of an extent of Acs.0.01 3/4 cents of land in Survey No.144 situated at Siddavaram Village, assigned to the petitioner, and it is open to the respondents to take appropriate steps for evicting the petitioner from the land, other than the land that was assigned to him.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any pending, in this writ petition, shall stand closed. There shall be no order as to costs.

18.01.2018
pln

A.RAMALINGESWARA RAO, J