

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.34349 of 2015 and 40841 of 2017

COMMON ORDER:

These two Writ Petitions are being disposed of by this common order as they arise out of the same cause of action.

2. W.P.No.34349 of 2015 was filed by the petitioner stating that he is a resident of Palavalasa, Gurla Village and Mandal, Vizianagaram District, and he submitted an application to the third respondent against the encroachment made by the sixth respondent in an extent of Ac.0.55 cents in Survey No.42/8 at ZPTC School, Palavalasa Revenue Village, Gurla Mandal, Vizianagaram District. The third respondent appears to have conducted a survey and found that an extent of Ac.0.55 cents of land was encroached by the sixth respondent, Potnuri Suryanarayana. Accordingly, proceedings were issued on 31.01.2015 to the fourth respondent directing him to conduct detailed enquiry and submit a report to the third respondent. When the fourth respondent did not conduct any enquiry, Writ Petition No.34349 of 2015 is filed by the petitioner.

3. The case of the petitioner in W.P.No.40841 of 2017 is that she is a resident of Palavalasa Village, Gajula Rega, Vizianagaram District, and she submitted an application to the third respondent against the encroachment made by the fifth respondent, Potnuri Suryanarayana in an extent of Ac.0.55 cents in Survey No.42/8 and sought conducting of an enquiry in relation to the same.

4. Thus, both the Writ Petitions are directed for conducting an enquiry against the sixth respondent in W.P.No.34349 of 2015 and

fifth respondent in W.P.No.40841 of 2017 in respect of land to an extent of Ac.0.55 cents alleged to have been encroached by him.

5. A counter-affidavit is filed by the Tahsildar, Gurla Village and Mandal, Vizianagaram District, stating that the sixth respondent occupied the land to an extent of Ac.0.55 cents in the aforesaid Survey number and Form-7 notice was issued to him under the provisions of the Land Encroachment Act, 1908. In response to the said notice, the sixth respondent submitted that his land in Survey No.42/9 was occupied by the Government for the purpose of weaker section housing colony along with the land in Survey No.42/8. In view of the same, the then Mandal Revenue Officer allotted the said land to him, but there is no record allotting the said land to sixth respondent. The Tahsildar himself inspected the land along with the Mandal Surveyor and Mandal Revenue Inspector on 19.10.2015 and noticed that the sixth respondent occupied Ac.0.42 cents of land and one P.Narayana occupied Ac.0.30 cents of land and they are family members of the petitioner in W.P.No.34349 of 2015. Accordingly, Form-7 notice was issued to the sixth respondent and another encroacher in respect of Ac.0.30 cents. The counter-affidavit is silent with regard to further action taken thereafter.

6. Learned counsel appearing for the sixth respondent submitted that the suit in O.S.No.518 of 2015 was filed on the file of Senior Civil Judge, Vizianagaram, for declaration of title in respect of land to an extent of Ac.0.30 cents occupied by one P.Narayana.

7. In the circumstances, these two Writ Petitions are disposed of directing the Tahsildar, Gurla Village and Mandal, Vizianagaram District, to take further steps pursuant to the notice issued under

Section 7 of the A.P. Land Encroachment Act and pass final orders within a period of three months by affording opportunity to all the parties before him. In view of pendency of civil suit, the orders passed by him in respect of land to an extent of Ac.0.30 cents shall be subject to result in the aforesaid suit. Miscellaneous petitions, if any, pending in these two writ petitions shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

FEBRUARY 06, 2018

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Date: 06.02.2018

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