

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5807 of 2020

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both parties.

This writ petition is filed seeking the following relief:

“..to issue an appropriate writ or direction particularly one in the nature of WRIT OF MANDAMUS, declaring the impugned notice issued *vide* Proc.No.B/998/2018, dated 02.03.2020 as well as the action of the 2nd respondent in conducting the survey in the petitioner's absence as illegal, arbitrary, capricious and in violation of Articles 14, 21 & 300A of the Constitution of India in the interests of justice and fair play.”

Heard Sri V.Narasimha Goud, counsel for the petitioner, and the Government Pleader for Revenue appearing for the respondents.

It has been contended by the petitioner that his father has acquired the land in Sy.No.614 of Mothkur village & Mandal, Yadadri-Bhongir District. The petitioner also stated that while his father was selling the land to an extent of Ac.1.00 in the said survey number, he purchased the same by way of registered document way back in the year 1987 and since then, he along with his family members are in possession of the same. The petitioner further submitted that he obtained permission for conversion of his land from agricultural land to non-agricultural land under the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006 and thereafter constructed a function hall. The petitioner further submits that behind his back, the respondents

have conducted survey in the said survey number and, based upon the said survey, issued notice on 02.03.2020 alleging that the petitioner has encroached upon the subject survey number, which is the Government land, and made unauthorized constructions therein, and therefore, directed the petitioner to remove the unauthorized constructions within 15 days from the date of receipt of the notice. The petitioner further submitted that on 05.03.2020, he has submitted a detailed explanation to the said notice, but the respondents, without considering the said explanation, are threatening to demolish the structures raised by him.

Counsel for the petitioner had contended that the petitioner has not encroached into the subject survey number and the said notice is issued based upon the survey which was conducted behind the back of the petitioner. Therefore, counsel for the petitioner submitted that appropriate orders be passed in the writ petition directing the respondents to consider the explanation submitted by the petitioner on 05.03.2020 and pass appropriate orders in accordance with law and till such time, the respondents be directed not to interfere with the peaceful possession of the petitioner.

Government Pleader appearing for the respondents had contended that since the petitioner has submitted an explanation on 05.03.2020, the case of the petitioner would be considered and appropriate orders would be passed in accordance with law, if necessary by conducting re-survey.

This Court, having considered the rival submissions of learned counsel for both parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the explanation

submitted by the petitioner on 05.03.2020 and pass appropriate orders in accordance with law, and till the respondents pass final orders, the respondents shall not interfere with the peaceful possession of the petitioner over the subject property.

With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

13th March, 2020
v v

ABHINAND KUMAR SHAVILI, J

