

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.15845 OF 2015

ORDER:

The petitioner approached the Court seeking the relief as follows:

“To issue writ or direction preferably writ of mandamus declaring the action of the respondent Nos.2 and 3 in trying to make constructions in the patta land of the petitioner i.e., land admeasuring Ac.1-06 gts., in Sy.No.393/A/1 situated at Shivar Sajjanpally Permalla, Lingampet (M) Nizambad District, without issuing any notice, without initiating any proceedings as per law as illegal, arbitrary, without authority and violative of principles of natural justice and violative of Art.300-A of constitution of India and consequently direct the respondents not to interfere with the possession and enjoyment of the petitioner in respect of subject land in any manner, and pass such other or further orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

2. This Court vide its order dated 08.06.2015 in W.P.M.P.No.20630 of 2015 in W.P.No.15845 of 2015 was pleased to pass orders observing as follows:

“It is claimed by the petitioner that the subject land is his patta land and the respondents are trying to interfere with the same without following due process of law.

Needless to mention that no private land can be interfered with without following due process of law. In the circumstances, there shall be interim direction not to interfere with the possession of the petitioner's lands without following due process of law. This will not prevent the authorities from surveying the subject land.”

3. The counter affidavit filed by respondent Nos.1 to 3, in particular, Para 5 of the counter affidavit reads as under:

“It is submitted that the Respondent is neither interfering with the petitioner's land nor trying to dispossess from his patta land and only repair works were taken up to the existing pickup weir and no new structure or raising of existing structure is taken up in Government land. Further I submit that the survey has been conducted to fix the boundaries of petitioners land by the Deputy Inspector of Survey (Hq) and it is reported that the pick up weir location does not fall in to the petitioner land. The petitioner was present during the survey and he refused to put his signature on the Panchanama and he is aware of the fact that the respondents are not interfering his patta land, not constructing any new structure in his patta land and not

dispossessing him from his patta land. Since, the pick up weir is not in the petitioners land the averments of the petitioner of taking up the work without issuing any notice and without initiating any land acquisition is false and incorrect.”

4. In view of the specific averments made in Para 5 of the counter affidavit, this Court opines that no further orders are necessary and hence, the writ petition is closed. However, there shall be no order as to costs.

5. Implead petition vide W.P.M.P.No.47137 of 2016 in W.P.No.15845 of 2015 is also closed.

6. Interim order granted on 08.06.2015 in W.P.M.P.No.20630 of 2015 in W.P.No.15845 of 2015 stands vacated.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

MRS JUSTICE SUREPALLI NANDA

Date:23.02.2023
Kgk

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