

HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.7063 of 1998

Dated 31st day of January, 2007

Between:

Govind Das
.. Petitioner

And

The Executive Engineer,
A.P. Housing Board, Vijayawada
and two others.
.. Respondents

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ORDER:

This writ petition is filed seeking a mandamus to declare the action of the respondents in trying to lay claim in respect of the petitioner's land situated in D.No.1137 of Guntur village, Guntur District admeasuring Ac.0.86½ cents and Ac.0.36½ cents, as if it was taken over under Urban Land (Ceiling & Regulation) Act, 1976, contrary to G.O.Ms.No.733, Revenue (UC.II) Department, dated 31.10.1988, as illegal and arbitrary and consequently direct the respondents not to interfere with the petitioner's peaceful possession and enjoyment of the land.

The brief facts of the case are that the petitioner purchased Ac.0.86½ and Ac.0.36½ cents of land situated in D.No.1137 of Guntur from six vendors vide Agreement of Sale dated 20.3.1986 and since then he has been in peaceful possession and enjoyment of it. The Government of A.P. vide G.O.Ms.No.733 dated 31.10.1988, exempted Ac.05.00 cents of vacant or agricultural land for non-agricultural purposes in peripheral areas of urban agglomerations at the option of the holders thereof. But, the respondents, without acquiring the land under the Land Acquisition Act are trying to dispossess the petitioner from the property.

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

From the facts, it is clear that it is a mere apprehension of the petitioner that he would be

dispossessed from the land in question. In fact, the respondents have not initiated any action to dispossess him from the property. In such a case, it is always open for the petitioner to bring to the notice of the authorities concerned, the relevant factors and submit as to how the land cannot be taken over under the provisions of Urban Land (Ceiling and Regulation) Act, 1976.

Hence, this Court deems it appropriate to direct the petitioner to submit a representation to the authorities concerned, who, on such representation being made, may pass appropriate orders in accordance with law.

With the above direction, the Writ Petition is disposed of. No costs.

31.01.2007
bcj