

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

WRIT PETITION No. 11351 of 2011

Between:

Cheera Sankaramma and others

.. Petitioners

and

The District Collector, SPSR Nellore District

and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 27.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

1. Whether Reporters of Local newspapers Yes/No
may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to Yes/No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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ORDER:-

Heard learned counsel for the petitioners, learned Government Pleader for Revenue appearing for the respondents 1, 2 & 4, and learned Government Pleader for Panchayatraj and Rural Development appearing for the 3rd respondent. With the consent of both the parties, the main writ petition is heard and disposed of at the admission stage itself.

The present writ petition is filed seeking issuance of a writ of mandamus declaring the action of the respondents 1 to 3 in not allowing the petitioners to cultivate their lands while allowing similarly situated persons to cultivate the lands in tank bed in

Survey No.45 situated at Kothacheruvu of Rudravaram Village, Kota Mandal, Nellore District, and also in not issuing pattas in their favour by considering the report of the Tahsildar, Kota Mandal (2nd respondent) dated 08.11.1991, as illegal and arbitrary.

On 26.04.2011, this court passed the following order:

“Based upon the report prepared by the Tahsildar, Kota Mandal, on 08.11.1991 wherein it is observed that there is no infringement of rights of the ayacutdars as there is no feeder channel to the tank in question and that by using the filter beds the encroachers are cultivating the lands, the petitioners sought for protection of their possession of land in question. Their grievance is that the Tahsildar, Kota Mandal, is selectively objecting to the petitioners to occupy and cultivate the lands while leaving the rest of the persons. Let the Tahsildar take necessary steps to either stop all the unauthorized occupants to cultivate the lands or allow all of them to cultivate. Let an appropriate report be filed by him in that regard before the District Collector, Nellore District, within a period of six weeks from today. Let the report be filed before this Court also. Call the matter after six weeks.”

Pursuant to the orders passed by this Court on 26.04.2011, the Collector, Nellore District (1st respondent), submitted his report dated 15.06.2014 before the Court, which would show that all the encroachments have been evicted from the tank bed area of Kothacheruvu situated in Survey No.45 of Rudravaram Village, Kota Mandal, Nellore District.

Learned counsel for the petitioners submits that all the petitioners are still in possession of the land in Survey No.45 of Rudravaram Village and their application dated 07.06.2004 made before the 2nd respondent for issuance of pattadar passbooks is still pending consideration. In view of the same, he submits that a direction may be given to the 2nd respondent to consider the representation made by the petitioners and pass appropriate orders thereon. Learned Government Pleader for revenue submits that he has no objection for the same.

Having regard to the circumstances stated above, the 2nd respondent is directed to

consider the representation dated 07.06.2004 made by the petitioners and pass orders thereon, if it is made and still pending consideration, in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. Learned counsel for the petitioners submits that as on today, cultivation is going on. If the cultivation is going on as contended by the learned counsel for the petitioners, the possession of the petitioners shall not be disturbed till the disposal of their representation by the 2nd respondent.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall also stand closed.

C. PRAVEEN KUMAR, J

27th July, 2015

cbs

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