

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.9003 of 2011

ORDER:

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

The present writ petition is filed to declare the action of respondents in interfering with the peaceful possession and enjoyment of the property by the members of the petitioner's society situated in RS.Nos.133,329,331 to 338, 340, 342, 343, 344, 347, 348, 353, 354, 357, 358, 361, 362, 366 and 2-3 of Pedapatnam and Kanuru Revenue Villages, Bandar Mandal, Krishna District to an extent of Ac.85-00 cents, as illegal and arbitrary.

The averments in the writ affidavit are as under:

The petitioner's society which was formed to promote aqua culture activities and started aqua culture operations in an extent of Ac.85-00 cents in RS.Nos.133, 329, 331 to 338, 340, 342, 343, 344, 347, 348, 353, 354, 357, 358, 361, 362, 366 and 2-3 of Pedapatnam and Kanuru Revenue Villages, Bandar Mandal, Krishna District after obtaining certificate of provisional registration of aqua culture society and paying land revenue to the Government. It is further averred that without issuing any notice and without following due process of law, the respondents are interfering with the peaceful possession and enjoyment of the property by the members of petitioner's society. The officials of 3rd respondent i.e. the Mandal Revenue Inspector and the Village Revenue Officer of Pedapatnam and Kanuru Villages are visiting the petitioner's society and stopping the diesel engines. They are also threatening saying that they would take away the diesel engines. It is further stated that they had taken away the diesel engine of one of the members of petitioner's society. Earlier, the respondents issued notices to some of the members of the petitioner's society by invoking the provisions of A.P.Assigned Lands (Prohibition of Transfer) Act, 1977, to which explanations were also submitted.

No eviction order has been passed by the respondents nor any order communicated to any of the members of petitioner's society. It is further averred that all the members of the petitioner's society are landless poor persons and eking out livelihood only on aqua culture. Hence, the present writ petition.

Learned counsel for the petitioner submits that the petitioner's society has been in possession of the property. In spite of the same, the respondents are trying to interfere with the said property.

Learned Government Pleader for Revenue disputes the same.

In spite of the fact that four long years have passed, so far no counter affidavit has been filed by the respondents 1 to 3 denying the allegations made in the writ petition. Having regard to the fact that the averments made in the writ affidavit remain uncontroverted in the absence of any counter affidavit, this Court has no reason to disbelieve those averments.

Having regard to the circumstances stated above, the present writ petition is disposed of by directing the respondents 2 and 3 not to interfere with the peaceful possession and enjoyment of the petitioner's society over

an extent of Ac.85-00 cents in RS.Nos.133, 329, 331 to 338, 340, 342, 343, 344, 347, 348, 353, 354, 357, 358, 361, 362, 366 and 2-3 of Pedapatnam and Kanuru Revenue Villages, Bandar Mandal, Krishna District except

in accordance with law.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

29-06-2015

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