

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 20883 of 2012

ORDER:-

Heard learned counsel for the petitioners and learned Government Pleader for revenue appearing for the respondents. With the consent of the parties, the writ petition is heard and disposed of at the admission stage itself.

The case of the petitioners is that they are the owners and possessors of small extents of land in Survey No.172 situated at Asakapalli Village, Sabbavaram Mandal, Visakhapatnam District, and abutting the land, the land in S.No.173 is situated. It is stated that land to an extent of Acs.3.00 in Survey No.173 abutting to a tank called as "Chinnayyabanda" is in possession of the petitioners and they are eking out their livelihood by doing cultivation of the said land for the last 30 years. While things stood thus, it is alleged that on 07.07.2012 the respondents made an attempt to damage the existing crop in the land and also to dispossess the petitioners. When the petitioners resisted the same, the respondents are said to have left the place proclaiming that they would come again and dispossess the petitioners at any cost. Questioning the action of the respondents without following the due process of law, the present writ petition is filed.

A counter came to be filed by the 1st respondent denying the allegations made in the writ petition. According to him, land admeasuring Acs.10.78 cents in Survey No.173 of Asakapalli Village was classified as "Government Poramboke (Chinnayya tank)". As the said tank is a rain fed tank and comes under the objectionable poramboke category, it was selected for taking up NREGS works by raising bunds and removing the silts in the tank. It is stated that the petitioners and other farmers encroached upon the vacant land of the tank by way of cultivation and caused obstruction to the repairing works under NREGS scheme, due to which, the storage capacity of the tank has decreased. It is also stated that the land in Survey No.172 is a private patta land and the land of the petitioners in the said survey number is adjacent to the land in Survey No.173 which is a Government Poramboke land. In so far as the allegation

of interference is concerned, it is specifically stated in the counter that the respondents never interfered with the land of the petitioners in Survey No.172 and they never issued any notice to dispossess the petitioners and that if the land is required for any public purpose, due process of law will be followed by the respondents.

By an order dated 10.07.2012, this Court, while ordering notice before admission, directed the parties to maintain status-quo for a period of two weeks. It is stated that the petitioners are still in possession of the land.

Having regard to the circumstances stated above and without going into the merits of the case, the Writ Petition is disposed of, directing the respondents not to dispossess the petitioners from the land without following the due process of law, provided the petitioners are in possession of the same. There shall be no order as to costs.

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

C. PRAVEEN KUMAR, J

23rd September, 2015

cbs

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 20883 of 2012

23rd September, 2015

cbs