

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 11272 of 2012

ORDER:

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Heard learned counsel for the petitioner, Government Pleader for Revenue and Government Pleader for Irrigation. With the consent of all the parties, the main writ petition itself is heard at the admission stage.

The petitioner, who is the Ibrahimpatnam Rajaka Field Labour Co-operative Society, rep. by its President preferred the present writ petition seeking issuance of writ of mandamus declaring the action of the respondents in not considering the representation dated 13.12.2011 made by the petitioner society for grant of leasehold rights of Lanka Land within the Krishna River admeasuring Ac.24.00 in Sy.No.335, situated in Ibrahimpatnam Village, as illegal, arbitrary and violative of principles of natural justice; and consequently direct the respondents to grant leasehold rights to the petitioner society.

The averments in the affidavit filed in support of the writ petition are as under:

It is submitted that within the Krishna River some islands are formed which are called as Lanka Lands. Those islands get submerged when the Krishna River is in floods. When the water recedes the said lands became vacant and will not be used for any other purpose. Under those circumstances the authorities used to grant lease of the said lands for cultivation of the said region. Accordingly an extent of Ac.24.00 in R.S.No.335 of Krishna River was classified as Lanka Land. The petitioner society was granted lease of the above said land in the year 2001 and they have been cultivating the land from then and every year the lease was extended. It is stated that when the petitioner society made a representation for grant of lease for the year 2011-2012 the same was not considered. Hence the writ petition.

In view of lapse of time, the counsel for the petitioner submits that the

petitioner society may be permitted to make a fresh representation for grant of lease and the same may be directed be considered in accordance with law.

The Government Pleader did not dispute the same however submits that the lease would be granted on year to year basis. It is also stated that it is always open to the Irrigation Department to grant lease in accordance with PWD Code.

Without going into the merits of the case and having regard to the submissions made, the writ petition is disposed of advising the respondents to consider the representation, if any, made by the petitioner society for grant of lease of the lanka lands in terms of PWD code and in accordance with law. There shall be no order as to costs.

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

JUSTICE C. PRAVEEN KUMAR

04.09.2015
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