

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
WRIT PETITION No.12157 of 2005

ORDER:

Heard the learned counsel for petitioner, and the learned Government Pleader for Revenue for the respondents 1 to 3.

2. The petitioner states that she is a landless poor person and occupied an extent of Ac.3.00 cents of poramboke land situated in R.S.No.47/2, 50, 51 and 52/1 of Kothapeta village. After the death of the original leaseholder of the said land, she came into possession of the same in the year 1975. She has been requesting the respondents to assign the said land in her favour or to grant lease as recommended by the second respondent. The respondents have not taken any action. When the respondents 2 and 3 tried to interfere with the possession of the petitioner, she filed the present Writ Petition.

3. This Court by order dated 10.06.2005 directed the respondents not to dispossess the petitioner from the above land.

4. The respondents have filed counter affidavit stating that the land belongs to the Irrigation Department and under control of the Executive Engineer, Godavari Head Works, Dowleswaram. Initially the Irrigation Department leased out the said land to one Sri Md. Meera Saheb native of Kothapeta village in the year 1968 and after his death the said land was enjoyed by his wife upto the year 1985. The lease period expired on 31.12.1985. The petitioner entered into land unauthorisedly and claiming to assign the said land to her as a matter of right. No steps have been taken by the revenue authorities to dispossess the petitioner from the land in her possession. The land is situated adjacent to the canal and is under the control of the Irrigation Department. The other averments in

the affidavit are only self-serving averments, made only for the purpose of the present writ petition, as no revenue official has visited the land.

5. It is evident from the above averments that the above land belongs to the Irrigation Department, but the Executive Engineer, Godavari Central Division, Dowleswaram, who is arrayed as third respondent, has not filed any separate counter till today.

6. In the circumstances, if the petitioner is in possession and if the third respondent or any other Officer of the Irrigation Department wants to take possession of the land in possession of petitioner, they can do so only after issuing notice to the petitioner.

7. The Writ Petition is accordingly disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in the Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 16.02.2015

MVA

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