

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

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WRIT PETITION No.36185 of 2015

BETWEEN

Konda Govindamma.

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 02.12.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers may be No allowed to see the Judgments?
2. Whether the copies of judgment may be marked No to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to see the No fair copy of the Judgment?

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ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Revenue and learned standing counsel for respondent No.5.

2. Petitioner alleges that she is in possession and enjoyment of an extent of Ac.3.50 cents in Sy.No.253 situated in Isakpalem Village, Saipet Panchayat, Kondapuram Mandal, SPSR Nellore District,

for several years. Petitioner states that she is a landless poor person and except the aforesaid land, she has no other land for livelihood. Alleging that respondents are proposing to utilize her land for dumping yard and trying to evict her, the present writ petition is filed.

3. Learned Government Pleader has received instructions from the fourth respondent, which, *inter alia*, states that Sy.No.253 admeasuring Ac.8.18 cents of Saipet Village is classified as Kunta Poramboke as per the village revenue records and at present, the Kunta is covered by Ac.6.00 cents and the remaining land is encroached by the petitioner and her family members. Petitioner is stated to have objected for the dumping yard, hence, an extent of Ac.1.68 cents is left for the petitioner and the remaining extent of Ac.1.50 cents is allotted for dumping yard under the Swachha Bharat programme and the management of the same is already handed over to the Panchayat Raj Department. The right of the petitioner is denied on the ground that the entire land is purely Government land and as there was dire need to allot Ac.1.50 cents for dumping yard for management of solid waste, leaving Ac.1.68 cents for petitioner,

the dumping yard is established.

4. The aforesaid instructions clearly show that the entire land of the petitioner is not affected and only Ac.1.50 cents is affected.

5. Learned counsel for the petitioner was put to a specific query with regard to Ac.1.68 cents of land and he has expressed satisfaction to the extent that the said land is not interfered with.

6. In view of that, it is left open for the respondents to use Ac.1.50 cents of land in Sy.No.253 for dumping yard, at the same time, the respondents are directed not to interfere with Ac.1.68 cents left for the petitioner and the petitioner shall not be evicted from the said land except after following due process of law.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

December 2, 2015

DSK