

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.21366 of 2009

Dated : 27.01.2015

Between:

Uppalapati Venkata Subba Rao S/o.Venkatachalam,
Aged about 57 yrs, Agriculture,
R/o.Vadali Village, Penugonda Mandal,
West Godavari District & 4 others

.. Petitioners

And

Government of Andhra Pradesh,
Rep., by its Secretary,
Revenue Department,
Secretariat Buildings, Hyderabad & 4 others

.. Respondents

This Court made the following :

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ORDER :

The petitioners herein along with other persons have instituted W.P.No.3673 of 2002 alleging that even though they were granted ryotwari pattas under Section 4 read with 7 of Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956, in respect of small extents of lands in Survey No.86 of Gajuwaka Village, in the last week of January, 2002, the Mandal Revenue Officer and Mandal Revenue Inspector, Gajuwaka, threatened them to dispossess and remove the casurina and cashew-nut plantations.

2. This Court granted interim order in the said writ petition. Government filed W.V.M.P.No.2812 of 2002 praying to vacate the said interim order. By order dated 22.10.2002, the said interim order was vacated holding that land is a Government land which is classified as Hill Poromboke and the petitioners cannot have any claim over the said property.

3. When the writ petition No.3673 of 2002 was taken up for hearing, on behalf of the petitioners therein, reliance was placed on the orders passed by this Court on 22.09.2008 in W.P.Nos.26098 of 2000 and batch concerning similarly situated persons, wherein liberty was granted to approach the authority concerned for regularization of their occupation in accordance with G.O.Ms.No.44 Revenue (Asst.I) Department dated 11.01.2008. Following the same, W.P.No.3673 of 2002 was disposed of granting liberty to the petitioners to make applications to the concerned authority for regularization in accordance with G.O.Ms.No.44, dated 11.01.2008 and eight weeks time was granted to file such application and directions were issued to consider the said applications in accordance with the Government policy in G.O.Ms.No.44.

4. During pendency of W.P. No.3673 of 2002, this writ petition was instituted praying to grant the following relief :

“To receive the applications of the petitioners for regularization of their occupation in terms of the latest orders of the Government in G.O.Ms.N.44 dated 11.01.2008 amending GO Ms.NO.7, Revenue dated 4.01.2003 and G.O.Ms.No.166, Revenue dated 16.02.2008 within four weeks from the date of receipt of the said applications by the competent authority and that till the disposal of the applications of the petitioners, their possession shall not be interfered with”.

5. Learned counsel for the petitioner, produced order copy in W.P.No.3673 of 2002.

6. Though prayer sought in W.P.No.3673 of 2002 was not same, the relief sought by the petitioners in the present writ petition was granted at the time of disposal of the above writ petition. Moreover, the W.P.No.3673 of 2002 was disposed of, after filing of the present writ petition. Since the relief sought by the petitioners herein was already granted in the earlier writ petition, this writ

petition for the same relief is not maintainable. Therefore the writ petition is liable to be dismissed.

7. Having regard to the above, the writ petition is dismissed. There shall be no order as to costs.

8. Miscellaneous petitions, if any, pending in this Writ Petition shall stand dismissed.

27th January, 2015
Rds

P.NAVEEN RAO,J