

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

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P.I.L.No.133 OF 2015

Between:

Landa Ramarao and others

....Petitioners

A n d

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

....Respondents

DATE OF JUDGMENT PRONOUNCED: 20.07.2015

SUBMITTED FOR APPROVAL:

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

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

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

P.I.L.No.133 OF 2015

PC: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard Sri A.Rama Rao, learned counsel for the petitioners and

learned Government Pleaders for Revenue and Fisheries (AP).

The petitioners pray for Mandamus declaring the inaction of respondents in evicting/removing the encroachers/encroachments in Sy.Nos.315 and 316 of Jagannadhapuram Village, Santabommali Mandal, Srikakulam District or prevention of unauthorized cultivation of prawns in the above survey said numbers, as illegal, arbitrary and unconstitutional.

In short, the petitioners complain against inaction in removing encroachments or preventing prawn culture in petition land as illegal, arbitrary and amounts to abdication of authority conferred on the respondents.

The case of petitioners is that the petition land is Government land. The Government land is firstly encroached by several individuals and aquaculture/fish/prawn culture activities are being undertaken without permissions from the Coastal Regulatory Authority. The petitioners strongly rely upon endorsement S.R.No.19/2014 dated 29.09.2014 of the 4th respondent and endorsement Rc.No.2039/2014/A3 dated 12.09.2014 of the

6th respondent in support of their case that Government land is encroached by individuals and aquaculture is undertaken without permissions. The letters dated 29.09.2014 and 12.09.2014 read thus:

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Letter dated: 29.09.2014

“As Sri Landa Ramarao, s/o Appanna of R.H.Puram, Madhura, Jagannadhapuram Village, Santabommali Mandal, Srikakulam District submitted application requesting to furnish the information the Tahsildar, Santabommali Mandal furnished the following information.

1. Whether an extent of 335 acres of land in Survey Nos.315 and 316 belongs to Government or not?

Ans. Yes, it is Government land.

2. Whether pattas are issued in those lands in survey nos. to anybody?

Ans. Yes, Pattas are issued.

3. What the extent of land encroached in above two survey numbers?

Ans. Ac.141.99 cents

4. Who and how much land occupied?

Ans. List enclosed

5. What are crops that are cultivated in those encroached lands?

Ans. Prawn tanks”

Letter dated: 12.09.2014

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“It is submitted that on receipt of the Prajavani complaint petition from the District Collector, Srikakulam instructions were issued to the Assistant Conservator of Forests, Tekkali for enquiry the matter.

Accordingly, the Assistant Conservator of forests, Tekkali submitted a report that an extent of area 0.89 Ha of RF land was encroached in Compt. No.98 of K.R.Peta forest stock.

Therefore, the Forest Range Officer, Tekkali was instructed to inspect the encroached area and to take action against the culprits as per the A.P. Forest Act, 1967 in vogue.

Hence, the Forest Beat officer, Ampalam has booked an offence case against Sri Pukkalla Srinivasa Rao, Sarpanch of Jagannadhapuram (V) Santhabommali (M) who is responsible for encroachment of 0.89 Hac forest land in Compt.No.98 of KR Peta forest block and action has to be taken as per the norms of A.P. Forest Act, 1967 in vogue.”

The petitioners claim to have given complaint dated 30.06.2014 to the District Collector, Srikakulam/2nd respondent for necessary direction to remove the encroachments and in spite of receipt of complaint, no action is taken by the 2nd respondent against the encroachers of Government land.

The prayer is against inaction as noticed above. Therefore, we are not examining the merits or issuing any direction for removal of encroachment from Government land or prevent unauthorized aquaculture by 3rd parties, but we are of the view that respondent Nos.2, 3, 4 and 6 are under obligation to examine the veracity of complaint and if it transpires from physical inspection of the petition land that there are encroachments and aquaculture is being undertaken without permission, the respondents are under legal obligation to remove encroachments by issuing notice to encroachers, afford them an opportunity and pass appropriate orders in accordance with law. Hence, respondents 2, 3, 4 and 6 are directed to verify whether the petition land is encroached by

3rd parties and if so, the respondents are directed to issue notice to encroachers in accordance with law and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

Writ petition is, accordingly, disposed of.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

ACJ

DILIP B. BHOSALE,

S.V.BHATT,

J

Date: 20.07.2015
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