

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

WRIT PETITION No.30111 of 2011

Between:

Jammala Venkaiah and another.

---Petitioners

And

The District Collector, SPSR Nellore District and others.

---Respondents

DATE OF JUDGMENT PRONOUNCED: 07-08-2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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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 |

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THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

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WRIT PETITION No.30111 of 2011

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ORDER:

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Heard counsel for the petitioners and the learned Government Pleaders for Revenue, Home and Assignment.

The present writ petition came to be filed seeking issuance of Writ of Mandamus declaring the action of respondents 1 to 3 in not initiating action against the trespassers including the respondents 5 and 6 who are trying to raise crops in the lands situated in Sy.No.1 of Chillamuru Village, Chittamuru Mandal, SPSR Nellore District, which are meant for assignment to landless poor.

The averments in the writ petition show that the petitioners herein are residents of Chillamuru Village, Chittamuru Mandal and landless poor. An extent of 487 acres of Assessed Waste Dry (AWD) land which is situated in S.No.1 was being cultivated by the petitioners and other landless poor persons since long time. They are said to have made several representations to assign the said land for them for agricultural purpose. Basing on the representations made by the petitioners, a statement containing a list of beneficiaries for the distribution of said AWD land was prepared, wherein the names of the petitioners were also included. While things stood thus, some third parties having lands near by tried to take possession of the same. The action of third parties lead to initiation of proceedings under Section 145 Cr.P.C. prohibiting all the persons including the petitioners from entering into said land. It is stated that some of the beneficiaries also filed writ petition before this Court. This Court was pleased to stay all further proceedings pursuant to list of the beneficiaries. It is further stated that initially, the unofficial respondents herein and others, who are having lands, entered into the land in question and tried to raise

crops. Hence, the present writ petition is filed questioning the inaction of official respondents in preventing encroachments into the land meant for assignment.

Learned Government Pleader for Revenue filed counter stating that the land in S.No.1 admeasuring Ac.1057-66 cents of Chillamur Village, Chittamur Mandal is classified as 'Forest Poramboke' as per village records and the same is under the control of forest department. It is stated that some of the villagers entered into said land prior to 2011, but they were evicted from the said land. It is stated that some of the villagers entered in the land and sowed paddy seeds near and crop is in orderly stage. Further it is categorically stated that there is no encroachment of the land in S.No.1 by the petitioners as stated in the affidavit. Infact in the Gramasabha conducted at Chillamur on 20-08-2011, the villagers were informed not to enter in to S.No.1 of Chillamur village and the same was also announced by tom-tom. In view of the above stated reasons, he submits there are no merits in the writ petition and prayed to dismiss the same.

On perusal of the material, no reply came to be filed denying the averments made in the counter.

In view of the averment that there is no encroachment as on today in S.No.1 of Chillamur village, the question of directing the respondents 1 to 3 to take action against the alleged encroachers would not arise. Leaving it open to the petitioners to avail remedy, in case of encroachment into the subject land, the Writ Petition is disposed of.

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

C.PRAVEEN KUMAR,J

07-08-2015
Nvl