

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

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 19708 of 2004

Date: 27.01.2015

–
Between:

S. Ibrahim & others.

... Petitioners

And

The Govt., of A.P., rep., by its Secretary,
Revenue (Assignments) Department,
Hyderabad & others.

... Respondents

This Court made the following:

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 19708 of 2004

ORDER:

The petitioners, sixty seven in number, were aggrieved by the action of the respondents in refusing to grant them house site pattas in respect of the lands situated in Sy.Nos.203/1, 203/2 and 204/1 of Vedanthapuram Village, Tirupati Rural Mandal, Chittoor District. They sought a consequential direction to the respondents not to dispossess them from the lands in their possession without following the due procedure laid down by law.

No interim orders were granted by this Court protecting the alleged possession of the petitioners. While so, a counter affidavit was filed by the Mandal Revenue Officer, Tirupati Rural Mandal, asserting that the lands in question are classified as Water Course Poramboke in the revenue records and that the same cannot be subjected to assignment. He further stated that as per the orders issued by the State as well as Courts of law, steps are being taken to protect water bodies and tank beds and therefore, the prayer of the petitioners for allotment of the said lands was not considered by the Collector, Chittoor District. He further stated that an endorsement had been made by the District Collector that an alternative land should be selected for assignment. He also stated that all eligible persons would be provided house sites at Karakambadi Village of Renigunta Mandal.

No reply affidavit was filed by any of the petitioners rebutting the

counter averments.

In that view of the matter, the petitioners cannot assert any indefeasible right that any particular Government land should be assigned to them. Water bodies and tank bed lands cannot be encroached upon and such encroachments cannot be regularized by the State at the cost of environment concerns. The stand taken by the State in the counter affidavit is therefore unassailable. In any event, as the State undertook to assign alternative land to all eligible persons, the grievance of the petitioners stands suitably redressed and no further orders are required to be passed in this writ petition.

The writ petition is accordingly closed taking note of the commitment of the State that eligible persons would be assigned alternative lands.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date: 27.01.2015
ES