

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

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For the State of Telangana and the State of Andhra Pradesh

MAIN CASE NO: W.P.NO.18982 OF 2015

Between:

Yeraguddi Punnaiah and others

.. Petitioner(s)

And

State of Andhra Pradesh and others.

.. Respondent(s)

DATE OF JUDGMENT PRONOUNCED: 20.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.18982 OF 2015

ORDER :

Heard.

The petitioners claimed that they are in possession of the various extents of land in various survey numbers as set out in the additional affidavit, for the past 40 years. It is also claimed that they are paying tax to the Government under receipts, year after year. Some of the receipts are exhibited in the writ petition. The receipts show that tax is paid in respect of said lands and is collected by the Village Administrative Officer. The present writ petition is filed alleging that the respondents are trying to interfere with the possession of the petitioners over the respective extents of land, without due process of law.

Since the affidavit filed in support of the writ petition did not indicate the land held by each petitioner with reference to survey number, I directed learned counsel for the petitioners to file additional affidavit with annexures. Accordingly, they are filed vide WPMPUSR No.124629 of 2015. That application is called for and ordered separately today.

Learned Government Pleader for Revenue has received instructions from the 2nd respondent, which shows that as per RSR of Santhagudipadu Village, Rompicherla Mandal, the land in Survey No.299 (Ac.1.21 cents), 302 (Ac.93.80 cents), 458 (Ac.2.48 cents) and 505/B (Ac.8.71 cents) and 507/B (Ac.2.80 cents) totaling Ac.109.00 cents is classified as 'tank' and it is a compact block. It is also stated that in the present case, no patta was granted in respect of the land in question as the same is Government land and the petitioners have no right to the said Government land, and even

otherwise, as the land in question is covered by 'water body', it cannot be assigned. It is stated that the encroachment of subject land is objectionable even as per the directions of the Supreme Court.

It is evident from the above instructions, as per the revenue record, the land is classified as 'tank' and assignment of such land is prima facie, impermissible. However, since the petitioners claimed to be in possession of the respective extents as per the tabular form and if they are found to have encroached on the part of the Government land including the tank, it is open for the respondents to follow the due process of law. The instructions also state that the encroachment is objectionable. Learned Government Pleader states that if petitioners are in possession, due process of law shall be followed and appropriate action will be taken.

Though, petitioners state that they are eligible and deserve assignment of land, whether the petitioners' request for the present land in their occupation is to be considered for assignment, is a matter to be considered by appropriate revenue authorities in terms of the legal environment on the subject and if for any reason, the said land cannot be assigned to the petitioners, the respondents have to consider the case of the petitioners for assignment of alternate land particularly as they claimed to be from very weaker sections of the society and claimed to have no means to survive.

As the relief sought for by the petitioners also is for requiring the respondents to follow due process of law, the writ petition is disposed of directing the respondents to verify the possession claimed by the petitioners and if they are found to have encroached in to part of any Government land, they have to take appropriate action by following due process of law.

Miscellaneous petitions pending in this writ petition, if any,

shall stand closed. No costs.

VILAS V.AFZULPURKAR, J

20.07.2015
Note: issue c.c. tomorrow
b/o
kvrn

THE HON’BLE SRI JUSTICE VILAS V.AFZULPURKAR

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WRIT PETITION No.18982 OF 2015

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