

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.15047 OF 2015

Date:08.06.2015

Between:

Golla Sudhakara Rao and others .. Petitioners

And

The State of Andhra Pradesh,
rep., by its Principal Secretary,
General Administration Department,
Secretariat, Hyderabad and others .. Respondents

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ORDER:

Heard.

The petitioners allege that they are sought to be dispossessed from their lands in Survey Nos.530/2, 532 and 755 of Bandarupalli Village, Tadikonda Mandal, Guntur District.

The instructions of learned Government Pleader for Revenue, however, show that these lands are classified as 'Tank Poramboke' under 'Neeru Meeru' programme. The silt is sought to be removed to ensure that storage of rain water in the tank is achieved for the needs of the cattle and men. It is stated that the lands are classified as poramboke over an extent of Ac.93.50 cents and Acs.8.48 cents and they are mostly encroached and more than 50% are residents of Guntur Town and they are not cultivating the same personally.

On the contrary, the allegations of the petitioners are that there is no tank as such for the last more than 40 years and they are paying cist to the Government. The tank poramboke as alleged is not in existence and there are encroachments etc., are required to be examined by the 4th respondent and if any individual is occupying the said part of the tank land, it is for the 4th respondent to give notice to such person and after giving opportunity of hearing, pass appropriate orders in accordance with law. The instructions of the learned Government Pleader do not show that any of the encroachers are notified or any steps are being taken to fulfil the due process of law.

The Writ Petition is, accordingly, disposed of directing the 4th respondent not to physically interfere with the possession of the petitioners over the lands aforesaid. However, the 4th respondent is free to issue individual notices to such other persons including the petitioners, if they are found to be encroached on the lands which are classified as 'Tank Poramboke' and after giving opportunity of hearing to them, pass appropriate orders in accordance with law. There shall be no

order as to costs.

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

VILAS V. AFZULPURKAR, J

08.06.2015

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