

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

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WRIT PETITION No.7593 OF 2010

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

The petitioners pray for Mandamus declaring the action of respondents in assigning the land to illegal encroachers of Ac.100-00 of Grazing Ground Poramboke in Survey Nos.145 and 146 of Kotcherlakota Village, as illegal and arbitrary.

Briefly stated the case of petitioners is that the land in an extent of Ac.100-00 is a Grazing Ground Poramboke and being used by villagers for grazing cattle and other animals. It is the case of the petitioners that the village and the villagers have has commonality of interest and right for continuation of petition land as Grazing Poramboke for grazing animals and the right can be claimed by them. It is further stated that classification of petition land as Grazing Poramboke creates a right in favour of villagers. The grievance is that in spite of categorical directions from 1st respondent to 2nd respondent through communication L.Dis.E2.2250/2008 dated 09.06.2008, the 2nd respondent is not moving in the matter and protecting the petition land from encroachment. It is contended that no third party interest or assignment of Grazing Promaboke can be considered by respondents 2 and 3. The 1st respondent through communication L.Dis.E2.2250/2008 dated 09.06.2008, directed the 2nd respondent as follows:

“The Villagers of Pullayapalli h/o. Kocherlakota village of Donakonda Mandal has represented that there is vast extent of Grazing ground Poramboke land available in S.No.145, 146 Ac.100-00 in Kocherlakota village and some of the villagers are irregularly encroaching and cultivating the said land which is required for cattle for

grazing purpose. Hence, the villagers requested not to assign this land to any of the villagers in future and protect this land for the purpose of cattle for grazing and the encroachers may be evicted from the land. Representation in original is enclosed.

I request you to inspect the land in question and issue suitable instructions to the Tahsildar, Donakonda for protection of the land from illegal encroachers who are cultivating the land.”

From the above it is clear that the 1st respondent directed the 2nd respondent to inspect petition land and if encroachment is noticed, further directed to take appropriate action as stated therein. Leaned Government Pleader admits that the respondents have neither filed counter affidavit nor sent instructions in the matter.

Having regard to the totality of circumstances, we are satisfied the writ petition can be disposed of as follows:

The 2nd respondent is directed to take all necessary steps required for preservation of petition land as Grazing Poramboke and if unauthorised occupation/encroachment of petition land is noticed, the 3rd respondent by following the procedure stipulated by law, shall in accordance with law, remove encroachments from the petition land. The said exercise shall be undertaken and completed within a period of three months from the date of receipt of copy of this order.

Writ petition is disposed of.

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

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date: 31.08.2015

Stp