

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.12691 OF 2005

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner states that he is the proprietor of an industry by name M/s.Shanthi Plaster Products. He established the industry in the year 1980 in Survey Nos.9/1 and 9/2 of Cheemalapalli Village, Pendurthi Mandal, Visakhapatnam District, abutting the Visakhapatnam and Araku main road. He occupied Government land in an extent of 46 cents in Survey No.8 and another extent of 4 cents in Survey No.10. While so, he received a notice under the Land Encroachment Act from the Mandal Revenue Officer (MRO), the third respondent on 27.03.2003. He submitted his representation to the District Collector, the second respondent on 17.04.2003, explaining the circumstances under which he occupied the land and requested for alienation of the said land in his favour. After receipt of the representation, the District Collector called for report from the Revenue Divisional Officer (RDO) and the MRO. They submitted their reports to the District Collector proposing for favourable consideration of the representation of the petitioner.

At the stage of consideration of the petitioner's representation favourably, one Mr. Ramu Naidu, S/o. Late Venku Naidu filed two Writ Petitions bearing W.P.Nos.8741 and 8742 of 2004 challenging the proposed action of the respondents in alienating the land in favour of the petitioner. W.P.No.8741 of 2004 was disposed of on 29.06.2004 and on the same day, W.P.No.8742 of 2004 was also dismissed as not pressed. They were filed under Public Interest Litigation category. The petitioner was not given notice as the Writ Petitions were disposed of at the admission stage.

This Court disposed of W.P.No.8741 of 2004 with the following order:

“We will dispose of this writ petition with direction to the District Collector, Visakhapatnam to duly consider the petitioner’s representation for dropping the proposed alienation in respect of Survey No.8 of Cheemalapally Village also, if necessary after getting report from Mandal Revenue Officer or hearing the petitioner, and pass appropriate orders thereupon in accordance with law within a period of two months from the date of receipt of writ order from this court. Ordered accordingly. No costs.”

When the respondents were taking action for demolition of structures on the Government land at the instance of one Mr. Ramu Naidu, S/o. Late Venku Naidu, petitioner in W.P.No.8741 of 2004 and the petitioner’s representation for alienation is pending, the present Writ Petition is filed.

The documents filed along with the Writ Petition show that there was some correspondence between the MRO and the RDO, and the District Collector and the MRO in R.C.No.1602/2003/E2 dated 30.04.2003 with regard to the alienation of land sought by the petitioner. There is another letter of RDO in Rc.No.1438/2003 D dated 08.01.2004 submitting report on the land to the District Collector. The MRO’s letter is also available in Rc.No.155/2003/A dated 29.04.2004.

No counter affidavit is filed till today by the respondents.

In view of the pendency of the alienation proposals pursuant to the representation made by the petitioner for alienation of Government land of an extent of 0.50 cents in Survey No.8 part and Survey No.10 part of Cheemalapalli village, Pendurthi Mandal, Visakhapatnam District, this Writ Petition is disposed of directing respondent Nos.2 and 3 to consider the correspondence in this regard and the orders of this Court in W.P.No.8741 of 2004 dated 29.06.2004 and pass appropriate orders thereof within a period of three (3) months from the date of receipt of a copy of this order and communicate the same to the petitioner. Till such time, the land in possession of the petitioner shall not be disturbed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(A.RAMALINGESWARA RAO, J)

23rd March 2015
RRB