

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 7304 of 2011

ORDER:

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Heard learned counsel for the petitioners and learned counsel for the respondents.

The present writ petition is filed seeking issuance of a writ of mandamus declaring the action of the respondent authorities in proposing to allot the Government Communal Poramboke land situated in R.S.No.168 of Kontheru Village, Elamanchili Mandal, West Godavari District, for burial ground and dumping yard, as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India.

The averments in the writ petition are as under:

Petitioner No.1 owns land to an extent of Ac.1.49 cents in Sy.Nso.284-5C, 284-5A, 372-1B, 169-2A, 284-7C, 372-1C and 372-1A. Petitioner No.2 owns land admeasuring Ac.0.50 cents in Sy.No.169/1C and petitioner No.3 owns land to an extent of Ac.1.09 ½ cents in Sy.No.169/1A and Ac.0.90 cents in Sy.No.169/2D, situated at Kontheru Village, Elamanchili Mandal, West Godavari District. All of them are eking out their livelihood by cultivating the said lands. It is stated that there is Revenue Poramboke land admeasuring Ac.2.07 cents in the village and the same is being used as cart passage and thrashing floor by all the neighbouring ryots including the petitioners from the time immemorial. The petitioners were using the said land for their ingress and egress for their lands and also as a thrashing floor. It is stated that local Scheduled Caste People made a representation to respondent No.5, Gram Panchayat, seeking allotment of the said land for their burial ground though they are having land to an extent of Ac.0.08 cents in R.S.No.155-1 of Konteru Village for using the same as a burial ground. Due to certain political pressures, respondent No.5 passed a resolution No.42 dated 11.11.2010 requesting respondent No.1 to accord permission for allotment of the said land for burial ground. In pursuance of the said resolution, the office of respondent No.1 is actively contemplating to

accord permission as per the request made by the Gram Panchayat. Hence, the writ petition.

Learned counsel for the petitioners submits that the neighbouring land owners, who are using the said land as thrashing floor, would be put to great difficulty if the same is allotted for the purpose of usage of the said land as a grave yard.

On the otherhand, learned counsel for respondent No.1 submits that the proceedings are still pending before the Collector and till date no action is being taken. He submits that the petitioners can address their grievance before the Collector as the proceedings are pending before the Collector, who shall take into consideration their objection before passing the orders.

Having regard to the circumstances stated above, without going into the merits of the case and as the proceedings pursuant to the resolution No.42, dated 11.11.2010 passed by respondent No.5 for allotment of land in Sy.No.168 of Kontheru Village, for the purpose of using the same as burial ground is still pending consideration, the petitioners shall make a representation before respondent No.1 within six weeks from today expressing their grievances for usage of the land as grave yard, in which event, respondent No.1 shall consider their objections and pass orders in accordance with law at the earliest.

Accordingly, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

15.07.2015
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