

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 20328 OF 2007

ORDER:

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Heard and perused the records.

The present Writ Petition came to be filed seeking to declare the action of respondents in interfering with peaceful possession and enjoyment of land admeasuring Acs.02.16 guntas in Survey Nos.354/A and 355/A, situated at Kurukundha Village, Alur Mandal, Kurnool District, as illegal and arbitrary and consequently direct the respondents to provide alternative poramboke land to the people belonging to Lingayath and Kammara Community for utilizing the same as burial ground.

The averments in the affidavit filed in support of the Writ Petition would show that the land admeasuring Acs.02.16 guntas is an ancestral property and the same was being put to use for cultivation. It is stated that the petitioner and her family were depending on the income derived from the said land. It is alleged that with the help of the respondents, the said land is being encroached by Lingayath and Kummara caste people for the purpose of utilizing the same as a burial ground. It is stated that the petitioner made a representation dated 29.08.2007 before the authorities, but no action has been initiated on the said representation. Aggrieved thereby, the present Writ Petition is filed.

Though no counter is filed, the learned Government Pleader, on instructions, states that the allegation made in the Writ Petition that the respondents are encouraging the villagers to encroach the said land for using the same as burial ground is false and incorrect. He submits that if the land is to be acquired for any public purpose, the same shall be done only, in accordance with law. Sri G.Seshadri, learned Counsel representing the second respondent, states that the allegations made in the affidavit are false and invented for the purpose of this case.

A reading of the averments made in the affidavit would show that the petitioner made a representation before the first respondent on 29.08.2007, but the

authorities failed to initiate any action on the said representation.

Having regard to the circumstances stated above and taking into consideration the statement made by learned Government Pleader for revenue, the Writ Petition is disposed of advising the first respondent to dispose of the representation dated 29.08.2007, as early as possible. It is needless to mention that the respondents shall follow due process of law, before initiating any coercive steps in respect of the land in issue. No costs.

Consequently, the Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

09.12.2015

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