

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.16586 of 2011

ORDER:

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The present writ petition came to be filed by the Malladi Gram Lanka Lands Farmers Welfare Society represented by its President to declare the inaction of the 1st respondent in considering the endorsement dated 22-03-2011 made by the 3rd respondent (Tahasildar) for allotment of lanka lands situated in D.No.2 to an extent of Ac.40-00 cents of Malladi Village, Amaravathi Mandal, Guntur District in favour of petitioner's society for cultivation and also not extending the lease beyond 31-05-2011 as illegal and arbitrary.

The averments in the writ petition are as under:

The petitioner's society consist of landless poor people belongs to scheduled caste community residing in the belt area of Krishna River surrounding the Malladi village who were eking out their livelihood by doing cooli work in agricultural lands. They constituted the above society under the provisions of Andhra Pradesh Society Registration Act, 2001. A representation came to be made to the 1st respondent for allotment of Ac.40-00 guntas of land for cultivation of said land. During pendency of the said representation, the Executive Engineer, Krishna Central Division, Vijayawada passed an order of granting temporary lease in favour of the petitioner for the period 2010-2011 i.e. from 13-01-2011 to 31-05-2011. Since then, the society people were in possession of the same and cultivating the said land. During the said lease period, the society people made another representation to the 1st respondent for grant of allotment of the said lands to the society and in turn, the 1st respondent directed the 3rd respondent to conduct an enquiry and send the proposal to him. On that, the 3rd respondent conducted an enquiry and made an endorsement in support of the petitioner's society stating that the said land is suitable for allotting to the society for cultivation.

Even then, the 1st respondent neither considered the same for allotment nor extended the lease period beyond 31-05-2011. Hence, the writ petition.

On 17-06-2011, this court passed the following order:

“As the petitioner is a farming society on co-operative lines, it comprises of 100 members and all the 100 members jointly seek to cultivate an extent of Ac.40-00 cents of Lanka land, therefore, it is appropriate for the respondents to consider to encourage co-operative farming societies by way of grant of pattas in favour of such societies.”

It is submitted by the counsel for the petitioner that subsequent to the order passed by this Court, the lease period was extended from time to time and that petitioner's society was cultivating the land till 31-05-2015. It is stated that a fresh application also came to be filed seeking extension of lease. Learned counsel for the petitioner placed on a record, the proceedings of Executive Engineer, Krishna Central Division, dated 22-12-2014 contending that the lease period was extended up to 31-05-2015. Since the lease was being extended up to 31-05-2015, the cause in the present writ petition does not survive. The said aspect is not disputed by the counsel for the petitioner.

In view of the above, the writ petition is disposed of giving liberty to the petitioner's society to avail remedies available under law seeking extension of lease, if any beyond 31-05-2015. As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

01-07-2015
Nvl