HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1012 OF 2015

O R D E R:

The petitioner claims to be in occupation and cultivating the land in an extent of Ac.1-32 cents situated in Sy.No.205/3 of M. Badlapalli village in Ratadu Mandal, Anantapuram District. Adjacent to this land an extent of Ac.2-77 cents situated in Sy.No.207/2 has been assigned in the name of his wife. The petitioner is in occupation of the Ac.1-32 cents and has developed the same by putting his sweat and blood, which was originally banjar, and he is also eligible for being assigned the said land under landless poor category. It is the submission of the petitioner that he had planted mango saplings and they are at yielding stage now, and drip irrigation facility was also created by borrowing moneys from the banks etc. He made an application for assigning of the said land. Without considering his application and without passing orders on his application for assigning, respondents now have issued a Notice under Section 7 of the A.P. Land Encroachment Act, 1905 (in short "the Act"). Petitioner had submitted his explanation with a further prayer to grant patta in his name.

The learned Government Pleader opposes the writ petition and submits that there are no final orders passed under Section 6 of the Act and as such the Writ Petition is premature. However, he submits that this Court, in the said circumstances, may only direct the occupants not to be dispossessed without passing final orders under Section 6 of the Act.

The fact that the petitioner's application pending

consideration is not denied and also it is not denied that the petitioner's case is likely to be considered as he is eligible to be considered under landless poor category. Further, considering the fact that the petitioner has already made fit the land and also planted mango trees, the petitioner's possession shall not be disturbed till such time a decision is taken and an order is made.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions pending, if any, shall also stand closed.

CHALLA KODANDA RAM, J

Dated:28.01.2015.
Ssv