

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.3551 of 2011

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Dated 01st June, 2015

Between:

Kalluru Chandra Obula Reddy

...Petitioner

And

The Superintending Engineer, AP.Transco, Kadapa and others

...Respondents

Counsel for the petitioner: Sri V.Nitesh

Counsel for the respondents: ---

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to set aside letter in Ref.No.A/1041/2010, dated 17.01.2011, of respondent No.3, whereby he has instructed respondent Nos.1 and 2 to disconnect power supply to the petitioner's industrial unit without any opportunity.

A perusal of the impugned proceedings shows that the petitioner and nine others have been in occupation of poramboke land forming part of Penna river and

running brick industries. When action was initiated for their eviction and disconnection of electricity supply to their units, the petitioner and others have made a representation to respondent No.4 to give them time for shifting their units and also to exhaust the brick making material by making bricks. In pursuance of the said representation, respondent No.3 has addressed the impugned letter to respondent No.2 to allow the petitioner and nine others two months' time to exhaust the brick raw material by restoring the power supply.

At the hearing, Sri V.Nitesh, learned counsel for the petitioner, submitted that respondent No.3 has issued a notice on 24.02.2010, demanding tax for using agricultural land for non-agricultural purposes and that this notice proves that the land is an agricultural land.

I am afraid, I cannot accept this submission for the reason that the said notice cannot be treated as revenue record indicating the nature of the land. If the land in occupation of the petitioner is an agricultural land, the petitioner has not shown any reason as to why he did not produce revenue record. On the contrary, the petitioner has not disputed the fact that he along with nine others has made a representation on 12.01.2011, to the District Collector to grant them reasonable time for shifting the brick manufacturing units from the existing place. If the petitioner was in possession of agricultural land, he is not expected to make such representation. Indeed, the impugned letter was addressed by respondent No.3 to respondent No.2 with a view to help the petitioner and similarly situated persons to exhaust the raw material by restoring power supply for a period of two months. In the absence of any documentary evidence to show the right of the petitioner to occupy the land for running a brick unit, no mandamus can be issued in his favour.

At the hearing, it has come out that on the strength of the interim order, the petitioner is continuing to run his brick manufacturing unit on the land which is stated to be Penna River Poramboke. Thus, the petitioner is immensely benefited from the interim order by continuing for as long as more than four years.

In the light of the above facts, the writ petition is dismissed. However, the petitioner is granted one month's time to vacate the land in question.

As a sequel to dismissal of the writ petition, interim order, dated 16.03.2011, shall stand vacated and W.P.M.P.No.4404 of 2011 and W.V.M.P.No.2313 of 2011 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

01st June, 2015

VGB