

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.10863 OF 2010

ORDER:

The case of the petitioners is that the father of the 1st petitioner one Govinda Rao has purchased the land to an extent of Ac.1.00 in Survey No.20 from Smt.Annapurna and Smt.Sarojini under registered sale deed bearing Document No.977/91, dated 13.05.1991; the 2nd petitioner purchased an extent of Ac.1.00 in Survey No.20 from the said vendor under registered sale deed bearing Document No.979/91, dated 13.05.1991; and that the 3rd petitioner also has purchased an extent of Ac.1.00 in Survey No.20 from the said vendor under registered sale deed bearing Document No.978/91, dated 13.05.1991. The aforesaid lands situated in P.Agraharam Village, Tondangi Mandal, East Godavari District. Since the date of purchase, the petitioners have been cultivating the said lands without interference from anybody. The father of the 1st petitioner expired in the year 2009. The petitioners names were entered in revenue records such as 10(1) Adangal and they have been paying land revenue to the Government without fail. It is further stated that adjacent to the lands of the petitioners, towards south side, there is a Government Puntha to an extent of Ac.0.25 cents in Survey No.20 which is being used as burial ground by the Schedule Caste Community. In the revenue records the said land is recorded as 'Puntha', however, it is under the occupation of SC community for burial ground. While

so, the petitioner came to know that the 2nd respondent issued a press note stating that they are going to develop the burial ground for the SC community to an extent of Ac.0.67 cents. Immediately the petitioners approached the 2nd respondent and explained that the proposed land meant for extension of burial ground belong to them and requested to drop such proceedings. They further requested the authorities to follow due procedure by paying the compensation, if they are very much interested to develop the burial ground in their lands. The petitioner on 01.05.2010 approached the 1st respondent and placed documentary evidence such as sale deeds, 10(1) adangals and other tax receipts. Thereafter the 1st respondent instructed the 2nd respondent to follow the procedure as contemplated under law, without affecting any damage to the petitioners' interest. But, the 2nd respondent sent his men to the subject land and started survey and fixed boundaries by putting markings over the subject land. Aggrieved by the action of the respondents, present writ petition is filed.

The respondents filed counter stating that the petitioners under the guise of ownership in Survey No.20, are trying to occupy the grave yard land and that the land in Survey No.20 is far away from the land now claimed by the petitioners. The land now claimed by the petitioners is a grave yard being used by the SC community people of P.Agraharam Village of Thondangi Mandal. It is further stated that to safeguard the grave-yard from encroachment a survey was conducted on

28.04.2010 and the boundaries were fixed. Since the petitioners were not allowed to occupy the grave-yard the petitioners filed the present writ petition suppressing the true and correct facts and that in pursuance to the interim direction granted by this Court the petitioners occupied the part of the grave-yard once again. It is also stated that at the intervention of the village heads and to safe guard the interest of the SC community to use the grave-yard, once again survey was conducted and the land was demarcated and in fact, the petitioners before the village heads have agreed to vacate the grave yard, but in view of the interim directions they are continuing their encroachments over a part of the grave yard and sought for dismissal of the writ petition.

Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue.

It is to be seen that there is no dispute regarding lands owned by the petitioners in Survey No.20 and pattadar pass books and sale deeds also goes to show that they have purchased the lands and their names also reflected in the Adangals. In view of the same, petitioners cannot be dispossessed from their respective lands without following due process of law. However, if the petitioners try to encroach the grave-yard, this order will not preclude the respondent authorities from protecting the grave yard land and for taking action by following due process of law.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

24.11.2016
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