THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.3736 of 2012

ORDER :

This writ petition is filed seeking *Mandamus,* declaring the action of the respondents in interfering with the petitioners' possession of the land admeasuring Acs.56.46 cents in Sy.Nos.55/D, 56, 58/A, 59 (part), 60 (part), 63/2, 64/A, 69/8, 21/R and 37/A3, situated at Puligadda, Krishna District, without due process of law, as wholly illegal and arbitrary.

2. While issuing notice before admission, by order dated 14.02.2012, this Court granted interim order directing that the petitioners should not be evicted from the aforesaid agricultural land, except in due course of law.

3. Subsequently, vide order dated 14.08.2012 in WPMP.No.7832 of 2012, the Vijaya Bhaskara Cooperative Collecting Farming Society Limited, Puligadda, Avanigadda Mandal, Krishna District, was impleaded as respondent No.5 in the above writ petition.

4. Respondent Nos.1 and 2 have filed a counter affidavit along with vacate petition in WVMP.No.1478 of 2012 in W.P.No.3736 of 2012, stating that the subject land was allotted to the 5th respondent – Society, but not to the

individual members, on lease for a period of ten years, vide proceedings dated 09.05.1972, issued by the 2nd respondent – District Collector, Krishna District, which expired by 1982 and the same was not extended further. Though, it is admitted that poor farmers are in possession and enjoyment of the subject land, it is stated that in W.P.No.2778 of 2007 filed by one D. Ambedkar and others for eviction of the encroachers, this Court disposed of the same with a direction to the District Cooperative Officer, Krishna District, and the District Collector, Krishna District, to take necessary action in accordance with law for removal of encroachments in the land allotted to the 5th respondent – Society within a period of three months from the date of receipt of a copy of the said order. Pursuant to the said orders, when the 1st respondent – Tahsildar, Avanigadda Mandal, issued notice in Rc.No.1092/2007, dated 21.04.2007, and action is being initiated by registering Crime No.45/2007 against the encroachers, the said crime came to be quashed by this Court, by order dated 14.06.2007 in Crl.P.No.3668 of 2007 filed by the encroachers. Subsequently, by virtue of the order dated 01.05.2007 in W.P.No.9772 of 2007, the said encroachers continued to be in possession and enjoyment of the subject land by cultivating the same.

5. Heard learned counsel for the parties and perused the material available on record.

6. It is to be seen that the subject land was allotted to the 5th respondent – Society on lease for a period of ten years and the said period of lease expired by 1982 and subsequently, the same was not extended, either in favour of the 5th respondent – Society or in favour of the petitioners. In view of the same, as a matter of right, the petitioners cannot squat on the subject land, even after expiry of the said lease period. However, since the petitioners are in possession of the subject land, it is open for the respondent authorities to initiate appropriate proceedings for eviction of the petitioners from the subject land by following due process of law.

7. Subject to the above direction, this writ petition is disposed of. No order as to costs.

8. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

A. RAJASHEKER REDDY, J

14.11.2016.
Msr

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