

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.28174 of 2014

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue writ of Mandamus to declare the action of the respondents in not issuing No Objection Certificate for the property of the petitioners to an extent of Ac.0.21 cents in Sy.No.128 of No.7 Yerravaram Village, Atchutapuram Mandal, Visakhapatnam District in terms of G.O.Ms.No.100 Revenue (Assignments-1) Department dated 22.2.2014 in spite of the representations is as arbitrary, illegal colourable exercise of power and contrary to G.O.Ms.No.100 Revenue (Assignments-1) Department dated 22.2.2014 and issue a consequential direction to the respondent to issue No objection certificate to the petitioners in respect of Ac.0.21 cents extent of land in Sy.No.128 of No.7 Yerravaram Village, Atchutapuram Mandal, Visakhapatnam District forthwith.”

Heard, Sri A. Rajendra Babu, learned counsel for the petitioners, learned Government Pleader for Revenue for respondents 1 to 4 and Sri Ravi Cheemalapati, learned Standing Counsel for respondent No.5, apart from perusing the material available before this Court.

According to the petitioners, they are the absolute owners and possessors of the property admeasuring

Ac.0.21 cents in Sy.No.128 of No.7 Yerravaram village of Atchutapuram Mandal, Visakhapatnam District. It is further stated that the petitioners herein have inherited the said property from their forefathers and that they have been in possession and enjoyment of the said property and raised teak wood trees in the said land, which are 12 years old. It is further stated that after the Gram Panchayat elections held in the year 2013 the Sarpanch of the 5th respondent Gram Panchayat inimically disposed and trying to interfere with their possession stating that the subject land is a Grama Kantam land and classified as Government Poramboke. It is also stated that the petitioners herein submitted a representation to the District Collector – 2nd respondent herein requesting to issue No Objection Certificate to the subject property in terms of G.O.Ms.No.100 Revenue (Assignemnts-1) Department, dated 22-02-2014. It is the grievance of the petitioners herein that no action has been taken so far on the said representation.

During the course of hearing, it is brought to the notice of this Court that vide Rc.No.1323/2014/E1, dated 18-06-2014, the District Collector addressed a letter, asking the Tahsildar, Atchyuthapuram to enquire into the matter and submit a report through the R.D.O., Visakhapatnam for taking further action in the matter. According to the learned

counsel for the petitioners, no further action has been taken by the respondents so far.

In support of their submissions/contentions learned counsel for the petitioners places reliance on the judgment of this Court in case of ***Voonna Bangaraju v. Government of Andhra Pradesh and others***¹.

Having regard to the submissions made by learned counsel for the petitioners and learned Government Pleader for Revenue and learned Standing Counsel for the 5th respondent – Gram Panchayat and having regard to the fact that no further steps are taken so far by the Tahsildar pursuant to the letter, dated 18-06-2014, this Court is of the considered opinion that the ends of justice would be served if the respondent authorities are directed to take further action pursuant to the letter, dated 18-06-2014 of the District Collector, Visakhapatnam, by fixing some time frame.

For the aforesaid reasons, the writ petition is disposed of, directing the respondents herein to take appropriate action pursuant to the letter bearing No.1323/2014/E1, dated 18-06-2014 of the District Collector, Visakhapatnam, within a period of three (3) months from the date of receipt of a copy of this order. Till such exercise attains finality, the interim order granted by this Court in W.P.M.P.No.35279 of 2014, dated

¹ 2014 (3) ALD 443

17-10-2014 shall continue to operate. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESA SAI, J

December 26, 2016

Pn



THE HON'BLE SRI JUSTICE A.V. SESA SAI



WRIT PETITION No.28174 of 2014

December 26, 2016

PN

