

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.37752 of 2016

ORDER:

The present Writ Petition came to be filed with the following prayer:

“... to issue an appropriate writ, order or direction , more particularly a Writ in the nature of mandamus, declaring the action of the respondents in trying to dispossess the petitioners from their agricultural lands in Sy. Nos. 476/4, 475/7, 475/3, 474/8, 475/3, 475/7, 476/2, 476/3, 455/4, 458/4, 6, 10, 457/12 of Yellayyapeta Village, Pampadipeta Village Kona Revenue, Thondangi Mandal, East Godavari District, without passing orders on the petitions dated 24.09.2014 is illegal, arbitrary and unconstitutional and consequently restrain the respondents herein from in any way interfering with our peaceful possession and enjoyment of our agricultural lands without following the due process of law, and pass such other and further order or orders as are deemed fit and proper.”

2. A perusal of the material on record discloses that earlier the petitioners filed W.P.No.24391 of 2008 to declare the action of respondents in trying to dispossess them from the lands referred to above without following due procedure stipulated by law, as illegal and unconstitutional. This Court, by an order, dated 28.07.2014, disposed of the said Writ Petition giving liberty to the petitioners to file a petition/appeal before respondent No.3 – Tahsildar, Thonbdangi Mandal, East Godavari District, within a period of eight (8) weeks

from the date of receipt of a copy of that order and respondent No.3 was directed to consider the same and pass appropriate orders, including the aspect as to whether the petitioners are entitled to grant of *ex gratia* or not. It further directed that the said exercise shall be completed within three months from the date of filing of the petition/appeal and till disposal of such petition/appeal by respondent No.3, *status quo* as on that date shall be maintained.

3. Learned counsel for the petitioners mainly submits that pursuant to the orders of this Court, the petitioners made application on 24.09.2014 to permit them to enjoy the subject lands. The grievance of the petitioners is that till date no orders are passed on the said application.

4. Learned Government Pleader for Revenue, on instructions, submits that the subject lands were resumed and handed over to APIIC, which, in turn, allotted Ac.505-00 of such land in Survey Nos.450 to 510 to M/s. Divis Pharmaceutical in the year 2016 and at present, the said land is in possession of M/s. Divis Pharmaceuticals. He further submits that the petitioners have not availed the opportunity of preferring a petition/appeal before the Tahsildar, as directed by this Court and as such, no orders need be passed in this Writ Petition.

5. As seen from the material on record, the petitioners claim to have made a representation on 24.09.2014, pursuant to the order of

this Court, but the copy of the said representation does not indicate filing of the same before the Tahsildar. In fact, the said representation is not even signed by any of the petitioners. Therefore, the argument of the learned Government Pleader that there was no petition/appeal cannot be brushed aside. However, if any representation was made pursuant to the order, dated 28.07.2014, passed in W.P.No.24391 of 2008 and if the same is still pending with respondent No.3, he is directed to dispose of the same in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. There shall be no order as to costs.

November 07, 2016
MD

JUSTICE C. PRAVEEN KUMAR