

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

[Special Original Jurisdiction]

TUESDAY THE SIXTEENTH DAY OF FEBRAURY
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 12037 OF 20-12

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Between:

Prameela & Ors. ... Petitioners

Vs.

The Government of Andhra Pradesh
Rep.by its Secretary, Irrigation Department,
Hyderabad & Ors. ... Respondents

Counsel for the Petitioners: Sri O. Manohar Reddy

Counsel for the Respondents: GP for Irrigation & CAD
GP for Revenue

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 12037 OF 2012

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ORDER:

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Heard Ms. C. Avani Reddy representing Sri O.Manohar Reddy, learned counsel for petitioner and learned Assistant Government Pleaders for Irrigation and Revenue.

2. The petitioners pray for mandamus declaring the action of second and third respondents in taking steps to evict the petitioners from survey No. 161 of Ananthapur town, Ananthapur Rural Mandal, Ananthapur district, without following the procedure stipulated by law as illegal and unconstitutional.

3. The petitioners relied upon assignment pattas said to have been granted in their favour by the fourth respondent. The assignments granted by fourth respondent refers to survey No. 161. Small plot of Ac:0-03 cents to each one of the petitioner was assigned. Respondents 2 and 3 are Executive Engineer, Minor Irrigation and Deputy Executive Engineer, Minor Irrigation. The

complaint of the petitioners is that respondents without either acquiring land, where the assignments have been granted to petitioners or evict them in accordance with law are forcibly disposing petitioners.

4. Second Respondent filed counter-affidavit and by way of reply rebut other things. The stand of second respondent is categorical that survey No.161 is vanka poramboke and the fourth respondent does not have jurisdiction to assign to petitioners the land classified as vanka poramboke. The relevant portion of the counter-affidavit reads as follows:

“But the Mandal Revenue Officer, Ananthapur had not even obtained the technical opinion of the parent department i.e., Irrigation Department, the absolute owner of all the irrigation sources, before assigning the vanka poramboke lands. The then Mandal Revenue Officer has assigned pattas without considering the maximum flood discharge that is to be allowed in Maruvu vanka and without any fore thought about the consequences that will arise in future such as inundation of residential areas, loss of public property etc. and also violating the rules and regulations in vogue. As such, the assignments made by the Mandal Revenue Officer towards house sites in favour of the petitioners is not valid, void and against interest and safety of public properties and lives.”

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5. Having regard to the stand of the Irrigation Department, learned counsel appearing for the petitioners submits that second and third respondents are not disputing the assignments in favour

of petitioners. The second and third respondents are raising a jurisdictional objection on the entitlement of the fourth respondent to grant assignments to the petitioners. Therefore, it is submitted that the petitioners may be permitted to make a representation to fourth respondent either for compensation or for allotment of alternate house sites and the fourth respondent may be directed to consider and dispose of such representation within definite time frame. As there is no dispute about the genuineness of pattas in favour of the petitioners, learned Assistant Government Pleader appearing for the fourth respondent submits that the petitioners can be given liberty to make a representation to fourth respondent and the fourth respondent may be directed by this court to consider and dispose of such representation within the time frame in accordance with law.

6. Having regard to the alternative submission made by the learned counsel appearing for the petitioner, I am satisfied that the writ petition can be disposed of by giving liberty to the petitioners to make representation by enclosing a copy of this order within six weeks from today to fourth respondent for grant of compensation or alternate house site and the fourth respondent on receipt of

such representation is directed to examine the request and pass appropriate orders either to grant compensation in accordance with applicable Government orders or take steps for grant of alternative house sites to the petitioners within a period of three months from the date of such representation.

7. With the above observation, the writ petition is disposed of. No order as to costs.

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

JUSTICE S.V. BHATT

16/02/2016
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HONOURABLE SRI JUSTICE S.V. BHATT

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Court Master: I s L