

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.11065 OF 2010

ORDER

The case of the petitioner is that he is in possession and enjoyment of the schedule land in R.S.No.585 to an extent of Ac.2-00 cents situated at Gangadapalem Village, Elimanchile Mandal, West Godavari District for the last 20 years and is also paying land taxes to the authorities concerned. While so, the petitioner made several representations to the respondents for grant of C class patta in his favour in respect of the subject land. In pursuance to the said representations, the 4th respondent issued proceedings dated 20.06.2006 permitting the petitioner to cultivate the subject land through lease in C class patta. On 30.01.2010, the 2nd respondent directed the respondents 2 and 3 to submit a report regarding the above subject land for grant of C class patta in favour the petitioner. But the 4th respondent without considering the above facts and without issuing any notice is trying to dispossess the petitioner. Aggrieved by the same, the present writ petition is filed.

This Court granted interim order on 05.05.2010 directing the respondents not to dispossess the petitioner without following due process of law.

Counter affidavit is filed by the respondents 1 and 3 stating that the petitioner is not the resident of Gangadupalem, H/o Ilapakuru Village of Elamanchili Mandal, West Godavari District and that he is the resident of Narsapur town which is 20 k.ms far away from Gangadupalem. It is also stated that the petitioner has not paid any taxes in respect of the subject land to the Government. It

is further stated that a report was submitted to the District Collector on the representation made by the petitioner with regard to subject land and was issued an endorsement dated 01.06.2010 stating the C class patta cannot be granted in respect of the subject land due to frequent erosion of land by the floods and the same is received by the petitioner.

Heard both sides.

In the counter it is disputed that the petitioner is in possession of the subject land and the said land can be formed and eroded during flood time to River Godavari. It is also asserted that petitioner is having business. No reply affidavit is filed disputing the same.

In view of the above facts and circumstances, the request of the petitioner for grant of C class patta in respect of the subject land cannot be granted. Accordingly, the writ petition is dismissed. No costs.

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

A.RAJASHEKER REDDY,J

Date: 18.10.2016
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