

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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WRIT PETITION No.33180 OF 2011
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ORDER:

Heard learned counsel for the petitioners, Government Pleader for Revenue, Government Pleader for Irrigation and counsel for the unofficial respondent.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action, things, deeds and orders of the respondents in proposing to allot land admeasuring Ac.0.40 cents in R.S.No.315, 316 and 317 of Chitturpu Village i.e., on the left side margin of Peemalakodu Drainage for the purpose of Burial Ground to the villagers of Epurivanigudem, H/o. Chitturpu Village, Ghantasala Mandal, Krishna District, as illegal, arbitrary and contrary to the Rules enumerated in Board Standing Orders as well as contrary to the provisions of the Andhra Pradesh Panchayat Raj Act, 1994.

The averments in the affidavit filed in support of the writ petition would show that there is an ayacut of Ac150.00 cents in R.S.Nos. 315, 316, 317, 320, 321 and 322 etc. of Chitturpu Village, which was situated on the left side of Peemalakodu Drainage. The said drainage is the only source to drain out the waste and excess water derived from the said ayacut. It is stated that the petitioners are having land on the northern side of Peemalakodu drainage and they are doing personal cultivation. There was a burial ground in an extent of Ac.0.25 cents on the right side of the Peemalakodu drainage. It is stated that the petitioners came to know that the villagers of Epurivanigudem made a representation to the revenue authorities requesting to allot land in R.S.Nos. 315, 316 and 317 on

the left side of Peemalakodu drainage margin for the purpose of burial ground. The respondent Nos.1 to 3 made a proposal to allot the said land for the purpose of burial ground. Challenging the said proposal the present writ petition came to be filed.

The fourth respondent filed counter stating that there were no proposal of allotting land in R.S.Nos.315, 316 and 317 on the left side of Peemulakodu drainage margin for the purpose of burial ground. It is categorically stated in the counter that the respondent neither made such proposal nor consented to such proposal. It is also stated that if the proposed land is allotted to the burial ground, it would be very difficult for irrigation department to carry out the irrigated water into the drain. It is stated that the right bank of Peemulakodu drainage is being used un-authorisedly by the sixth respondent and others for burial ground, since long back. It is also stated that no steps are being taken to hand over the said land for the purpose of burial ground.

The Government Pleader for Revenue on instructions submits that the revenue authorities have no right over the land as the same belongs to irrigation department and allegation that the revenue authorities are proposing to allot the said land for the purpose of burial ground is baseless.

However, the learned counsel for the petitioner strenuously contended that in Contempt Case No.100 of 2012 filed by the petitioner, the Tahsildar filed a counter referring to erection of certain boundaries with stones in the disputed land, but when the matter was taken up for hearing, the Government Pleader for Revenue stated that no steps were taken by the V.R.O. in fixing the boundary stones pursuant to the order passed by this Court in the writ petition.

Sri D.L.Pandu, learned counsel for the unofficial respondent, while opposing the request made by the learned counsel for the petitioners and also the statement made by the learned Government Pleader for Revenue, states that the respondents are using the said land as burial ground and the villagers are put to great inconvenience if the same is not allotted.

A perusal of the material on record clearly discloses that the unofficial respondent herein is trying to encroach on to the land belonging to the Irrigation Department and started using the same as Burial Ground. Therefore, the request of the unofficial respondent permitting him to use the said land as Burial Ground cannot be accepted. Further, the record shows that the irrigation department is using the land.

Accordingly, the Writ Petition is disposed of directing the fourth respondent as well as the revenue officials to see that the said land is not used as a burial ground. However, it is always open to the unofficial respondent to make a suitable application for allotment of land for the purpose of burial ground, in which event the appropriate authorities shall consider the same in accordance with law.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

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JUSTICE C. PRAVEEN KUMAR

20.01.2016

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