

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR
WRIT PETITION No.39642 OF 2015

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

The petitioner herein, apprehending dispossession from the land admeasuring Ac.4.00 cents in Survey No.283 of Thalarivanipalem Village, Anakapalle Mandal, Visakhapatnam District, has filed the present Writ Petition contending that in spite of legal notice, dated 0.2.08.2015, issued to the District Collector, Visakhapatnam, the 2nd respondent, no further action is taken by him. The petitioner has filed a copy of the communication in Rc.No.3313/2015/E1, dated 23.09.2015, from the 2nd respondent to the Tahsildar, Anakapalle Mandal, Visakhapatnam, the 4th respondent, wherein the 2nd respondent directed the 4th respondent to examine the matter and take necessary action in accordance with law.

Learned Government Pleader for Revenue received instructions from the 4th respondent, which are as under:

“In this connection, it is submitted that as per the instructions of the District Collector vide Rc.No.1547/2015/E2, dt. 10.07.2015, a land parcel was identified in Sy.No.283 of Thalarivanipalem of Golagam Revenue Village of Anakapalli Mandal for establishment of Rapid Action Force Battalion for the State of Andhra Pradesh. The land was under enjoyment of farmers for long time. As per this office records no assignments were made earlier to present occupations. Since Anakapalli Mandal is under urban agglomeration limits earlier assignments were not given as lands are required for public purpose. Since the Govt. Lands in Sy.No.283 to an extent of Ac.40.00 cts is occupation of some poor farmers,

enjoyment survey was conducted by intimating farmers in the village with the support of Geo-Con Survey Private Agency and Mandal Surveyor. During enjoyment survey farmers are attended and shown their possession and enjoyment to the survey team. Accordingly survey was completed in the village. The draft enjoyment survey list with beneficiary names along with sketches have to be published in the village. After publication of above list all objections if any will be considered as per their enjoyment and with other documentary support. The writ petitioner having any lands in the said Sy.No.283, he may be approached this office for enjoyment survey of his portion of his land. The writ petitioner without attending to enjoyment survey and without waiting for draft list approached Hon'ble High Court and prayed to not to dispossess of his enjoyment. As per petitioner affidavit itself some other names were recorded in the list. Since Sy.No.283 is an MC Field classified as Hill Poramboke having an extent of Acs.158.00 cts. with single Sy.No. The petitioner has to show his enjoyment to the survey party and if he is enjoyment of land he will be recorded as enjoyer."

It is evident from the above instructions that survey has already been completed, the draft survey is proposed to be published and thereafter objections of any person would be considered and hence, the petitioner is also free to submit his objections. It is further stated that the petitioner has to establish that he is in enjoyment of the subject land and his name is recorded as an enjoyer.

In view of the same, as the things stand as on today, there is no threat of dispossession as apprehended by the petitioner. However, as and when the draft survey is published, the petitioner is free to submit his objections, if any, so that the same would also be considered along with other objections, and appropriate decision would be taken in the matter.

The Writ petition is accordingly disposed of. There shall be no order as to costs.

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

VILAS V.AFZULPURKAR, J

05.01.2016
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