

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.392 of 2008

ORDER:

The petitioners are occupants of various extents of land within the jurisdiction of Bachupally Gram Panchayat and claimed to be in possession of the said lands from 1945 onwards. They have constructed cattle sheds and compound wall after obtaining permission from the Gram Panchayat.

2. The 1st respondent issued proceedings file No.A/4296/07

dt.04-01-2008 stating that the lands in possession of petitioners are Gramakantam lands, that consequently they are also Government lands and that the Revenue Divisional Officer, East Wing, Ranga Reddy had issued proceedings No.L/6064/07 stating that the said land would be under the control of the Government and no activities will be permitted in the said land.

3. Petitioners contend that on 05-01-2008 the 1st respondent had also directed demolition of the structures erected by petitioners and therefore they filed the Writ Petition.

4. Learned counsel for petitioners contended that Gramakantam land is not Government land and respondent Nos.1 to 4 have no jurisdiction to treat it as Government land

and petitioners as encroachers and try to evict the petitioners by demolishing the structures erected by them. He placed reliance on the judgment of this Court in **Voonna Bangaraju Vs. Government of Andhra Pradesh, rep. by its Principal Secretary and others**^[1].

5. On 08-01-2008 in W.P.M.P.No.410 of 2008, *status quo* was granted by this Court. Even though W.V.M.P.No.2669 of 2008 was filed by respondents to vacate the said order, the said application was rejected on 09-11-2010 and the order passed on 08-01-2008 was made absolute with condition that the petitioners should not undertake any constructions in the disputed land till the Writ Petition is finally disposed of.

6. In the counter-affidavit filed by 2nd respondent on behalf of respondent Nos.1 and 2, it is alleged that a survey was conducted by

2nd respondent, on the basis of which proceeding No.A/4296/2007

dt.04-01-2008 was issued by 3rd respondent informing the general public that an extent of Ac.6.15 guntas is Gramakantam land under the control of the Government and vested with the Gram Panchayat wherein no constructions would be allowed. Reference is also made to proceedings under Section 145 Cr.P.C. initiated by 4th respondent in proceedings No.L/6064/07 dt.22-12-2007.

7. In the counter-affidavit filed by respondent Nos.3 and 4 it is stated that 4th respondent had withdrawn the proceedings under Section 145 Cr.P.C. on 05-01-2008 and in order to maintain peace in the village, the illegal structures in the Gramakantam were restricted on 06-01-2008 and Boards were erected stating that it is a Government land.

8. From the above pleadings, the question arose for consideration is:

“Whether Gramakantam is Government land and whether there is any prohibition to undertake transactions in the said land ?”

9. This issue has been considered by a learned Single Judge of this Court in **Voonna Bangaraju** (1 supra), wherein it was held that Gramakantam is not a Government land and there is no prohibition to undertake transactions on the said lands. It was also held that Gramkantam describes the area identified for the purpose of construction of residential houses and incidental structures in a village and it is neither a Government land nor land vested in the Village Panchayat. It was also pointed out that such lands are not prohibited for sale and they are also not included in Section 2(1) of the A.P. Land Encroachment Act, 1905, which describes what types of properties are to be treated as Government properties. Reference was also made to G.O.Ms.No.100 dt.22-02-2014

issued by the then State Government wherein the Government had admitted that no records are available showing that the lands classified as Gramakantam are the Government lands.

10. Therefore the stand taken by respondents that the land in question is a Gramakantam land, which is under the control of the Government and vests in the Gram Panchayat, has no legs to stand.

11. Therefore the Writ Petition is allowed and the proceedings

dt.04-01-2008 of the 3rd respondent as well as orders dt.05-01-2008 of respondent Nos.1 and 2 directing demolition of the structures erected by petitioners are set aside and respondents are restrained from interfering with the structures erected by petitioners in any manner. No costs.

12. As a sequel, miscellaneous petitions pending if any, in this Writ Petition shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 31-03-2016

Vsv

[\[1\]](#) 2014(3) ALD 441