

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.26677 OF 2010

ORDER:

The petitioners complain against the inaction of respondents in making appropriate entries in Prohibitory Order Book in terms of proceedings No.D3/16341/84 dated 07.11.1984 by properly correlating the entries, as illegal, arbitrary and unjust.

The petitioners refer to proceedings dated 07.11.1984 firstly to show that the swamp is covered by Survey No.356/2 but not Survey No.256/2 and on account of patent wrong description, the authorities are not entering the area falling under CRZ in the prohibitory list. Hence the writ petition.

It is not in dispute that classification, maintenance and administration of CRZ come within the administrative control of Revenue Department.

The 7th respondent for and on behalf of respondents 1 and 6 filed counter affidavit. The operative portion which has bearing on the apprehension expressed by the petitioners reads thus.

“..The intention of the orders of the 6th respondent issued 25 years back to enter the same in P.O.B is to prevent occupation of the land by others. The Writ Petitioners alone are eking their livelihood and there is no occupation by others. The orders of the then Collector, East Godavari District, Kakinada vide Ref.No.D3/16341/1984,Dt.7.11.1984 has been implemented and the land measuring 80 Hectares in R.S.No.356/2 of S.Yanam (V) of Uppalaguptam (M) has been entered in the Prohibitive Order Book (P.O.B) Registrar.

The plea of the Writ Petitioners that the entire land in R.S.No.356/2 measuring about 1000 Acres is Swamp is not correct and the private lands cannot be reserved for their purpose.”

From the above, it is clear that the respondents have rightly understood that Survey No.356/2 but not 256/2 is included in the Prohibitory Order Book.

Mr.K.S.Murthy, tried to persuade this Court to consider directing the respondents to issue copies of patta if any granted to any person in Survey No.356/2. I am of the view that the said grievance is not the subject matter of present writ petition. It is open to petitioners to apply for grant of patta (copies) in accordance with law. If the petitioners are entitled for issue of the copies of patta, the authorities are expected to act on the application in accordance with law. If there is any delay in disposing of the application, it gives fresh cause of action and petitioners can certainly vindicate the grievance.

With the above observation, the writ petition is closed. No order as to costs.

Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

S.V.BHATT, J

Date:11.04.2016
Stp