

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.33278 of 2011

ORDER:

Petitioners pray for the following relief:

“... to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 2 to 4 herein in interfering with the construction activity of pucca houses of petitioners in their respective house sites for the Pattas allotted to the petitioners respectively vide 4th respondent's proceedings No. Rc.B/435/86, dated 04-05-1986 in Old Sy.No.147/1 ie., New Sy.No.171 of Chandra Sekhara Puram (Village & Mandal), Prakasam District to an extent of Ac.0.05 Cents each and threatening to dispossess the petitioners highhandedly from the possession of their respective house sites, as illegal, arbitrary and violation of Articles 14, 19, 21 and 300-A of Constitution of India and consequently direct the respondents not to interfere with the construction activity of pucca houses of petitioners in their respective Plot Nos. 168, 196, 197, 85, 83, 86, 164, 37, 36, 195, 116, 129, 21, 156, 58, 71, 47 & 60 in Old Sy.No.147/1 ie., New Sy.No.171 of Chandra Sekhara Puram (Village & Mandal), Prakasam District ...”

2. The counter affidavit of the fourth respondent reveals the following circumstances:

Sy.No.1471/ of C.S.Puram village is classified as Grazing Ground poramboke. Out of Ac.681.16 cents, an extent of Ac.16.00 was proposed for conversion from Grazing Ground poramboke to Village site poramboke and issued new Sy.No.171. It is admitted that before the classification of land was ordered by the District Collector,

the then Mandal Revenue Officer of C.S. Puram issued house site pattas to their employees working in C.S. Puram Mandal. The counter affidavit further discloses that the proposals for conversion and alienation of house plots are still pending with the respondents as on date. The fourth respondent, on possession and cause of action for filing the writ petition, has stated thus:

“3. It is submitted that the contents in para 24 of the affidavit it not correct and are false. It is not correct to say that, they were constructed thatched houses earlier and purchased construction material and dumped the same in the respective plots for construction of pucca houses, further the then M.R.O has come to

their plots and asked us not to carry out any construction activity.

It is fact that no constructions was made by petitioners since house sites were granted. I have inspected the site.

At time of inspection, it is observed that no construction was made by petitioners. The plots are kept vacant. Due to non occupation of their plots, some of the persons have occupied two plots and made unauthorized constructions.

4. Further it is submitted that the then Tahsildars have not initiated any action to dispossess from their plots of the petitioners. No notice was given to the petitioners for dispossession from their plots. It is only apprehension of the petitioners. After fixation of market value, the market value will be collected from the petitioners.

5. For the reasons stated supra, there are no grounds to approach this Hon'ble Court under Article 226 of the Constitution of India and only as apprehensive petitioners approached this Hon'ble Court. If the Government intends to take any action, we will follow due process of law. Hence, the writ petition may be dismissed."

3. The stand of fourth respondent is accepted and accordingly, the petitioners shall not be dispossessed except in accordance with law. With a view to preserving status quo, as on date, it is further directed that the permanent structures at site are not undertaken by the petitioners. The issue of conversion of land is pending consideration from 1989 onwards. Having regard to long pendency, the Court directs the fourth respondent to forward the proposals afresh to the second respondent within four (4) weeks from the date of receipt of a copy of this order only to the extent of Ac.16.00 cents, likewise informs second respondent the steps taken for protecting the balance extent of grazing ground poramboke in Sy.No.147/1 of C.S. Puram. The second respondent, on being satisfied that the classification of small extent of land from grazing ground poramboke to village site poramboke can be permitted, issues appropriate orders converting Ac.16.00 cents and issues further direction to preserve the balance extent for grazing ground purposes in Sy.No.147/1 of C.S. Puram village. If the second respondent/Collector, after perusing the totality of circumstances, is of the view that conversion of grazing ground is not justified, he is free to pass appropriate orders on the recommendation of the fourth respondent and thereafter, further steps are taken by the fourth respondent

on the assignments already made in favour of petitioners. The entire exercise shall be completed within three (3) months from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

August 31, 2016
DSK

S. V. BHATT, J