

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.17737 OF 2016

ORDER:

This Writ Petition is filed challenging the proceedings, dated 31.10.2015, of respondent No.3, by which, respondent No.4 - the Tahsildar was instructed to take possession of subject land, which is in occupation of the petitioner, on the ground of violation of lease conditions by the original lessees.

2. Learned counsel for the petitioner submits that the lease conditions are not violated and the petitioner was in occupation of the subject land since long back and he has sown prawn seeds in the subject land.

3. On the other hand, learned Assistant Government Pleader for Revenue produced written instructions, which read as follows:

- “ 1 . The land Ac.12.75 in Sy.No.135/3 was classified as Inam Dry as per Village Accounts of Mudhivarthipalem Village, out of which an extent of Ac.3.63 was declared as Ceiling Surplus Land.
2. The Ceiling land so taken over by the Government was distributed to the 11 landless poor under the fold of C.J.F.S. and the same was alienated by the lessies (beneficiaries) in contravention of rules laid down in POT (Assignment) Act, 1977 to the Writ Petitioner Sri Ch. Rajgopal Reddy and the petitioner has formed prawn ponds in subject land.
3. The Revenue Divisional Officer, Nellore has cancelled the lease orders along with instructions to resume the land to the

Government vide R.D.O.'s Proceedings
Rc.D.174/2014, Dt.31.10.2015.

4. The above orders were implemented in the village records and the land was taken over to the Government on 20.04.2016 by the Mandal Revenue Inspector – II and Village Revenue Officer, in the presence of Sarpanch, Mudhivarthipalem and others through conduct of Panchanama.
5. Since the Writ Petitioner Sri Ch.Rajagopal Reddy has already sown the Prawn Seed in the ponds by the time of resumption of the land to Government, the land along with prawn culture is vested in the custody of Village Revenue Officer, Mudhivarthipalem.”

4. It is stated that the petitioner has already sown prawn seeds in the subject land. Since the subject land was already resumed by the Government, the petitioner cannot claim any right over the same, but at the most, he can only harvest the prawn seed sown in the subject land. Further, it is stated that the petitioner has made a representation for grant of lease in respect of the subject land on 13.05.2016. If that being so, it is for the respondents to consider the same in accordance with law.

5. In view of the same, respondents are directed to permit the petitioner to harvest the prawn.

6. With the above direction, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

A. RAJASHEKER

REDDY, J

June 27, 2016

Note: Issue C.C. in two days.
B/o.MD