

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.16621 OF 2011

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for respondents.

The petitioners state that they are landless poor people belonging to Scheduled Caste Community and they are eking out their livelihood by doing coolie work. They state that they were granted pattas to an extent of Acs.2.00 each in respect of the Government land in survey Nos.63 and 78 of Tamaram Village, Makavaripalem Mandal, Visakhapatnam District. They were put in possession of the respective lands, but they state that patta certificates were not handed over to them. Since the land was not fit for cultivation, they have raised cashew plantation and mango trees in the said land. In view of the non-handing over of the pattas, they do not have any record to show that they are in possession of the land. It is also their case that there was industrial development in and around their village and the Government wanted to establish an Industrial Park for which purpose it acquired land of an extent of Acs.1658.90 cents in Rachapalli, G.Koduru, Bhimaboyanapalem and Tamaram Villages of Makavaripalem Mandal and the land was handed over to Andhra Pradesh Industrial Infrastructure Corporation (APIIC), who in turn sold it to M/s.Anrak Aluminium Limited for setting up an industry for establishment of Alluminium Project. The Government took a decision to allot the land as house sites for the persons who lost their lands in the acquisition. There were cases and counter cases by the land oustees and the petitioners. In those circumstances, the petitioners filed the present writ petition seeking a direction to the respondents not to dispossess them from the lands in their possession in survey Nos.63 and 78 of Tamaram Village, Makavaripalem Mandal, Visakhapatnam District, and for a consequential direction to the respondents to issue patta certificates to them.

This Court, by order, dated 17.06.2011, directed that the petitioners shall not be dispossessed for a period of eight weeks and the said order was not extended.

A counter affidavit is filed by respondents 1 to 3 stating that the land situated in survey No.63 admeasuring an extent of Acs.50.00 was classified as 'Zeroithi land' and stood in the name of one Ch.Seetharama Raju, who was declared as surplus landholder in LCC No.339 of 1975. Pattas were issued to an extent of Acs.23.95 to twelve beneficiaries (11 Scheduled Caste and 1 Backward Class) of Rachapalli Village in the year 1998. The remaining extent of Acs.26.05 is under the enjoyment of sixteen ryots belonging to Backward Class of Rachapalli Village, who raised mango and cashew plantations for the last 15 years, but the petitioners in the writ petition have never cultivated the lands in survey No.63 of Tamaram Village. The land of an extent of Acs.30.00 was classified as 'Gayalu' and it was handed over to APIIC, Visakhapatnam, for formation of layout of house sites to the relief and rehabilitation to the villagers of Kothapalem, whose houses were acquired for the project. As an extent of Acs.50.72 was identified as 'Gap Area' abutting survey Nos.63 and 78 of Tamaram Village, proposals were submitted to the Collector, Visakhapatnam for creation of separate survey numbers on 29.03.2011. In the said 'Gap Area', an extent of Acs.31.00 was handed over to APIIC for laying layout for allotting house sites to the displaced persons. With regard to the remaining extent of Acs.19.72 cents covered by cashew and mango plantation, which is aged about 20 years, a local enquiry revealed that the said land was in possession and enjoyment of Sri Ruthala Ramana and five others of Rachapalli village. The Forest Department booked a case in C.C.No.154 of 2010 against the persons, who tried to interfere with the forest land. Though the petitioners 5 to 10 are landless poor persons belonging to Scheduled Caste community, the petitioners 1 to 4 are employees of Anrak Aluminium Company, Anganwadi (ICDS) and APSRTC.

The allegation that the petitioners were granted pattas of an extent of Acs.2.00 each in respect of the Government land in survey Nos.63 and 78 of Tamaram Village of Makavalipalem Mandal is also denied. In respect of the persons, who lost their possession and whose names were found in the revenue records, *ex gratia* amounts were paid and the petitioners' names were not found in the revenue records and hence, their case cannot be considered for payment of *ex gratia*.

The above facts show that the petitioners' claim that they were assigned land of an extent of Acs.2.00 each in survey Nos.63 and 78 of Tamaram Village, Makavaripalem Mandal, Visakhapatnam District and they were handed over possession, was denied by the Government. The counter affidavit of the third respondent shows that the petitioners 1 to 4 are employees and though the petitioners 5 to 10 are landless poor persons, their names did not figure in the revenue records. It is also stated that the local enquiry revealed that Ruthala Ramana and others were in occupation of some of the lands in 'Gap Area' and the petitioners are claiming the same land. When they tried to interfere with the forest land, cases were booked against the petitioners. In such circumstances, no relief can be granted to the petitioners except giving liberty to the petitioners to submit a representation to the third respondent for consideration of their cases for grant of pattas, if they are otherwise eligible in accordance with law.

The writ petition is accordingly disposed of. Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

06.06.2017
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