

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.13001 OF 2013

ORDER:

The prayer is against threatened action of respondents in dispossessing petitioners from various extents of lands in Sy.Nos.378, 379, 381, 382, 384, 386, 388, 393, 394, 395, 296, 400, 401, 402, 403 and 338 of Papayapalem Village, Bellamkonda Mandal, Guntur District.

The petitioners rely upon assignments granted in their favour. In support of their case that as long as assignments are subsisting, the forcible dispossession or preventing the assignees from enjoying the land is illegal and unsustainable.

On 29.04.2013, this Court granted interim direction as prayed for. The 3rd respondent filed counter affidavit and for disposing of the writ petition, the operative portion is excerpted:

"It is respectfully submitted that the lands in Sy.Nos.378, 379, 381, 382, 384, 386, 388, 393, 394, 395, 296, 400, 401, 402, 403 and 338 were assigned in favour of nearly 200 beneficiaries in the year 1992 and 2012, totally admeasuring an extent of Ac.188.89 cts in Papayapalem Village, Bellamkonda Mandal, Guntur District.

While the matters stood thus, some villagers of Papayapalem made a oral representation in the revenue sadassulu that were conducted in the village stating that the lands that were assigned to the beneficiaries were not brought under cultivation and that the same may be resumed and allotted to the other eligible beneficiaries in the village. Upon such representation, verification was done in the lands and it was found that the assignees were not in possession of the said land and in fact mining activities is being carried out in respect of the said land which is in violation of the assignment conditions.

It is further respectfully submitted that a case in Cr.No.41/2013 was also registered on the complaint lodged by the revenue officials for using JCB for the

purpose of mining activities which is illegal. Notices are being prepared to be issued to the assignees and the persons who are in possession of the assigned land and action was initiated under the A.P. Assigned Lands (POT) Act, 1979. Due procedure will be followed before evicting the encroachers from the assigned land. Necessary orders will be passed after considering the explanation if any submitted by the encroachers/petitioners to the show cause notices that are being issued. But the fact remains that the land that was assigned in the above said survey numbers are being used for mining activities in violation of assignment conditions and the original assignees are not in possession of their respective lands. Hence, the interim order needs to be vacated”.

From the above, it clear that 3rd respondent is admitting the assignment and further contending that the assigned lands are used for a purpose other than cultivation and, therefore, prays for vacating the interim order. After taking note of the stand taken in the counter affidavit, this Court is of the view that the writ petition can be disposed of by directing 3rd respondent to initiate action against the assignees who have committed breach of assignment conditions, afford opportunity, pass orders and thereafter take possession of the property in accordance with law. The said exercise shall be undertaken and completed expeditiously, preferably within three months from the date of receipt of a copy of this order.

The writ petition is disposed of with the above direction. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, stand closed.

S.V.BHATT,J

21st June, 2017
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