

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.3921 OF 2017

O R D E R

The claim of the petitioners, who are 38 in number, is that they are all landless poor persons, below poverty line, eking out their livelihood by daily labour. By erecting small huts / sheds, they have been in occupation of different extents of Government land, ranging from 50 to 60 sq. yards, in all totaling to Acs.12-43 cents, situate in Sy.No.492/1A1C/4 of Parchuru village and mandal, Prakasam District. They have in possession of said extents, for more than sixty years. Their houses were assessed for property taxes and were also allotted door numbers and electricity connections were also provided and that they have been paying said charges regularly. They were also provided with adhar cards. Government issued G.O.Ms.No.118 Revenue (ASSN.I) Department dated 30.3.2016 and G.O.Ms.No.338 Revenue (ASSN.I) Department dated 21.07.2016 for regularization of occupation of the Government lands by private persons. In the light of the said G.O.s, the petitioners' made application dated 31.10.2016 for regularization. Aggrieved by the inaction of the respondents in considering said application for regularization, and in seeking to evict them, the present writ petition came to be filed.

This court on 6.2.2017 while ordering notice before admission, directed the parties to maintain status quo for a limited period and the same was extended from time to time.

The 4th respondent – Tahsildar filed counter affidavit and while denying the averments made in the writ affidavit, stated *inter alia* that a Public

Interest Litigation in PIL.No.415/2013 was filed seeking to remove the encroachments in the subject land and this court by order dated 16.9.2012 directed the respondents to cause enquiry by complying with the principles of natural justice and remove the encroachments. Accordingly notices were issued to the petitioners and orders were passed for their eviction. It is stated that eligible encroachers were provided with alternate land in S.No.585/2,3 of Parchur village of Prakasam District and house site pattas were also given. The petitioners have no legal right to continue in possession of the subject land and, therefore, sought to dismiss the writ petition.

The petitioners filed reply and stated that though pattas were granted allotting alternate land, till date no possession has been given and the said land is far away from the village, without facilities for water, electricity, roads, etc and, therefore not worth living. It is stated that though the subject land is said to have been allotted to Panchayat Samithi; Parchuru Gram Panchayat passed a resolution on 2.3.2017 to allot the subject land to the petitioners, since they are in long standing possession. Therefore, the petitioners are entitled for regularization in terms of the G.O.Nos.118 and 338.

Heard the learned counsel for the writ petitioners and the learned Assistant Government Pleader for Revenue.

From the above averments it could be seen that the petitioners are in encroachment of the Government land and this court in PIL.No.415/2013 dated 16.9.2013 directed the authorities to cause enquiry and take appropriate action in accordance with law. As per the averments made in the

counter affidavit and the submissions of the learned Assistant Government Pleader for Revenue, in pursuance of the orders of this court in the public interest litigation, action has been initiated to remove the encroachments. It is also stated in the counter affidavit that alternate land has been allotted to eligible petitioners and pattas have been issued. The case of the petitioners is that till date no possession has been given and as the said land is without any amenities. However, the learned Assistant Government Pleader further submits that the necessary orders would be passed on the application of the petitioners for regularization in terms of G.O.Ms.No.118 and 338.

Having regard to the facts and circumstances and the submissions of the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue, without expressing any opinion on merits, the writ petition is disposed of at the stage of admission, directing the 3rd respondent – Revenue Divisional Officer, Ongole, Prakasam District, to dispose of the application of the petitioners' dated 31.10.2016 for regularization in terms of G.O.Ms.No.118 Revenue (ASSN.I) Department dated 30.3.2016 and G.O.Ms.No.338 Revenue (ASSN.I) Department dated 21.07.2016, within a period of two months from the date of receipt of a copy of this order. Till then, the interim order of status quo granted by this court on 06.02.2017, shall continue. No costs.

Miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

DATE:28—03—2017
AVS