

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 5559 of 2012

Order:

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

This Writ Petition is filed for not considering the representation dated 24.04.2010 and 07.06.2010 and not granting permission for cultivating nor issuing any pattadar passbooks with regard to the land in Survey Nos.25, 26/A and B in an extent of Ac.12.60 cents, situated at Chapirevula village, Nandyal Mandal, Kurnool district.

A reading of the representation of the petitioners along with the averments made in the affidavit discloses that they were allotted the said land for fish culture, but they have submitted a representation for assignment of the land for agricultural purpose. They wanted early action for assignment of the land.

The third respondent filed a counter stating that the Fishermen Co-operative Society, Chapirevula was registered during the year 1987 and there were 33 members on Ganikunta Tank of Chapirevula village and the extent of Tank is Ac.10.62 cents. It is meant for fish culture only. It is under the control of the Panchayat Raj Department. The Society is taking lease from the concerned Grampanchayat for fishery wealth only without public auction. The fish tank cannot be converted for agricultural purpose by issuing pattadar passbooks. The water bodies cannot be assigned for agricultural purposes. With regard to problem of washing of pesticide

bottles and the consequential death of fish in the tank, there was no complaint from the petitioners at any point of time.

The fourth respondent filed a separate counter affidavit stating that the land in Survey No.25/B in an extent of Ac.0.26 cents is classified as Gani and an extent of Ac.10.00 in Survey No.26 is classified as Kunta as per RSR of the village. The adjacent ryoths and village elders are using the said land for irrigation purpose and for drinking purpose to the cattle during summer season. As per the existing rules all the water bodies lands are prohibited from assignment, hence D-Form pattas and pattadar passbooks cannot be issued to the applicants for the Kunta lands. The Kunta is the only source of drinking water for livestock during summer season. The petitioners have no right to ask the respondents to grant permission to convert the said fish tank for agricultural purpose and for pattadar passbooks.

The fifth respondent also filed a separate counter affidavit on the same lines.

In view of the above averments, it is clear that the land claimed by the petitioners is a tank land and whenever there is water the petitioners are given lease by the Panchayat Raj Department for fish culture. During summer season the water in the said tank is the only source for the livestock. There was no allotment in favour of the petitioners at any point of time. Admittedly, the land is a water body and it cannot be converted for agricultural purpose. In the circumstances, the petitioners have no right to claim the said land and consequently the representation of the petitioners for allotment of the land cannot be considered.

The Writ Petition is, accordingly, dismissed. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 07.06.2017
Nsr

