

THE HON'BLE SRI JUSTICE M.GANGA RAO

WVMP No.5040 OF 2017
IN/AND
WRIT PETITION No.16663 OF 2003

COMMON ORDER:

This writ petition is filed to issue writ of Mandamus declaring the action of the respondents in seeking eviction of the petitioners from lands admeasuring Ac.1.61 cents in Survey No.392/3; Ac.3.21 cents in Survey No.391; Ac.3.53 cents in Survey No.11/1A; Ac.2.71 cents in Survey No.11/1B; Ac.0.70 cents in Survey No.391/1; Ac.0.70 cents in Survey No.391/2; Ac.0.75 cents in Survey No.391/3; Ac.0.70 cents in Survey No.391/4 and Ac.0.05 cents in Survey No.391/5 of Pedda Etipakam village, Satyavedu Mandal, Chittoor District, pending consideration of the representations, contrary to the orders passed in W.P. No.26925 of 1998 and W.P.No.22592 of 1998.

2. The case of the petitioners is that the first petitioner is in possession and enjoyment of the lands admeasuring Ac.1.61 cents in Survey No.392/3 and Ac.3.21 cents in Survey No.391 of Pedda Etipakam village. The second petitioner is in possession and enjoyment of the lands admeasuring Ac.3.53 cents in Survey No.11/1A and Ac.2.71 cents in Survey No.11/1B of Pedda Etipakam village. The third petitioner is in possession and enjoyment of the land admeasuring Ac.0.70 cents in Survey No.391/1, Ac.0.70 cents in Survey No.391/2, Ac.0.75 cents in survey No.391/3, Ac.0.70 cents in Survey No.391/4 and A.0.05 cents in Survey No.391/5 – total admeasuring Ac.2.90 cents of Pedda Etipakam village. The

petitioners are enjoying these lands having raised mango garden about a decade back.

The first respondent issued notices under Section 7 of the Land Encroachment Act (for short 'the Act') on 10.03.1993 with respect to the land in Survey No.391 stating that they encroached the land by raising mango garden. Similarly, notice dated 14.04.1994 was issued under Section 7 of the Act duly asking for explanation as to why the petitioners should not be evicted from the lands, to which, the petitioners submitted their explanation. When the respondents without considering the explanation to Section 7 notices and without passing orders under Section 6 of the Act, tried to evict the petitioners from the land, the petitioners filed W.P.No.26925 of 1998 and W.P.No.22592 of 1998 before this Court. This Court by order dated 12.08.1998 and 23.09.1998 respectively, disposed of the writ petitions at the admission stage directing the first respondent not to take any steps to dispossess the petitioners, without following the procedure under the Act or any other law and the application for assignment of the land filed by the petitioners shall be considered expeditiously.

The petitioners also contended that as the respondents have not passed any order under Section 6 of the Act after considering the explanation, they filed suits in O.S.No.6 of 2001 and O.S.No.13 of 2001 before the Junior Civil Judge, Sathyavedu, seeking permanent injunction and in I.A.No.399 of 2001 in O.S.No.6 of 2001, interim injunction was granted on 15.02.2002 and insofar as O.S.No.13 of 2001 is concerned, the suit was decreed on 27.03.2001 by granting permanent injunction.

3. The first respondent filed counter stating that the land admeasuring Ac.1.61 cents in Survey No.392-3 and Ac.3.21 cents in Survey No.391,

carved out from the land admeasuring Ac.65.50 cents in Survey No.363-1A of Pedda Etipakam village of Sathyavedu Mandal, Chittoor District, classified as 'grazing ground poramboke'. About 23 years ago, lease pattas were granted to scheduled caste persons of Pedda Etipakam village, but they have unauthorisedly alienated the same to the petitioners and the petitioners raised mango trees. On 09.01.1999, as per the directions of the High Court in W.P.Nos.22592 of 1998 and 26925 of 1998, after considering the explanations of the petitioners, order under Section 6 of the Act was passed. In obedience to the orders of this Court, again notices were issued on 16.12.1998 to the petitioners under Section 7 of the Act as to why they should not be evicted from the schedule lands and the petitioners offered their explanations in the matter. Thereafter, after considering the explanations, order under Section 6 of the Act was passed directing the petitioners to evict the lands and the same was served. When there was no response from the petitioners, the lands were ordered for resumption to the Government and accordingly resumed the lands.

Subsequently, at the directions of The District Collector, Chittoor vide L.Dis.No.F4/5972/98, dated 07.08.2001, assignment pattas were granted to the scheduled caste persons of Pedda Etipakam village with mango trees on condition of payment of tree value on instalment basis. The lands in Survey No.11/1A and 11/1B admeasuring Acs.3.53 cents and Acs.2.77 acres respectively, were assigned in favour of Sri P.K.Krishnaiah and Smt. P.Rajamma vide DKT No.1538, dated 31.12.1980 and they were also issued pattadar passbooks and title deeds vide PPB Nos.126331 and 222235. Subsequently, these assigned lands were resumed to the Government after payment of ex-gratia to the assignees and the lands were

given to APIIC for establishment of SEZ. The writ petitioners are the non-residents of Pedda Etipakam village and they are residents of Chennai City and they are not agriculturists and at present, their whereabouts are not known.

Further, the respondents stated that during the year 2001, DKT pattas were granted to the scheduled caste persons along with mango tress on condition of payment of value as ordered by the District Collector, details of which are as follows:

Sy.No.	Extent	DKT No. & Date	Name of the Assignee
391/1	0.65	66/4/1411, dt.1-11-01	L.Kuppamma W/o. Kannaiah
391/2	0.64	67/4/1411, dt.1-11-01	L.Violet W/o.Chengalaram
391/3	0.64	68/4/1411, dt.1-11-01	P.Bujjamma W/o.Natesiah
391/4	0.64	69/4/1411, dt.1-11-01	P.Danamma W/o.Gopalu
391/5	0.64	70/4/1411, dt.1-11-01	L.Munemma W/o.Ramaiah
392/1	0.62	71/4/1411, dt.1-11-01	S.Vallemma W/o.Subramanyam
392/2	0.68	72/4/1411, dt.1-11-01	P.Anjamma W/o.Kuppaiah
392/3	0.67	73/4/1411, dt.1-11-01	P.Chellamma W/o.Pedda Gopalu
392/4	0.68	74/4/1411, dt.1-11-01	P.Amruthamma W/o.Adimulam
392/5	0.68	75/4/1411, dt.1-11-01	P.Rajamani W/o.P.Gopalu
392/6	0.68	76/4/1411, dt.1-11-01	P.Jayamma W/o.P.Krishnaiah
392/7	0.68	77/4/1411, dt.1-11-01	P.Chandramma W/o.Balaramaiah
392/8	0.67	78/4/1411, dt.1-11-01	P.Naikamma W/o.Subramanyam
Total	8.57 Acs		

The above lands are required for establishment of SEZ. Hence, the assignees were paid ex-gratia amount and the lands were resumed to the Government and were handed over to APIIC for establishment of Socio-Economic Zone (SEZ). The SEZ called 'M/s.Sricity Private Limited' is

already established upto the limits of Pedda Etipakam village. It is also stated that the suits filed by the petitioners in O.S.Nos.6 of 2001 and 13 of 2001 before the Junior Civil Judge, Satyavedu were already disposed of as the petitioners have not shown interest in prosecuting the civil suits.

4. Heard both sides.

5. Having regard to the submissions made by both the parties and perused the material on record, it is found that the petitioners were already evicted from the subject lands by duly giving notices as required under Sections 6 and 7 of the Act. Thereafter, the lands were assigned to the landless poor persons of scheduled caste of Pedda Etipakkam village. As the said lands were required for establishment of SEZ, the lands were resumed to Government after paying ex-gratia amounts to the assignees. The land was also handed over to APIIC for establishment of Socio-Economic Zone (SEZ) and the SEZ was already established. Hence, the petitioners are not entitled for any relief as prayed for in the writ petition.

6. The writ petition is dismissed. The interim stay granted on 08.08.2003 in WPMP No.20675 of 2003, which was made absolute on 17.06.2004, is hereby vacated and WVMP No.5040 of 2017 is, accordingly, allowed. No order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE M.GANGA RAO

27th December, 2017
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