

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.28060 OF 2017

Date: 24.08.2017

Between:

Jonnakuti Sayamma W/o Prasad, Aged 40 years,
R/o. H.No.2-43, Ambedkar Colony, Tirumalapuram
Village, Jangareddygudem mandal, West Godavari
District and others.

.....Petitioners

And

State of Andhra Pradesh, rep.by its Principal Secretary
(Revenue), Secretariat Buildings, Velagapudi, Guntur
District and others.

.....Respondents



The Court made the following:

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ORDER:

Heard learned counsel for petitioner as well as learned Assistant Government Pleader for respondents. Both counsel agree for disposal of the writ petition at the admission stage.

2. Petitioners contend that they are the agricultural labour and are living in Tirumalapuram revenue village by constructing thatched huts in Sy.Nos.243/1, 243/2 and 243/3. They all belong to S.C. Community. This land, according to the petitioners, is shown as Gramakantam in the Revenue Survey Records. Petitioners have also applied for grant of house site pattas as early as in the year 2007 and have been pursuing with the various authorities for the last two decades. While so, on 19.08.2017, local officials and four Police Constables visited the place, where petitioners are residing, directing them to vacate the place within three days, threatening that otherwise they would be removed from the thatched houses forcefully. In those circumstances, this writ petition is filed.

3. On instructions, learned Assistant Government Pleader submits that the land in R.S.No.243/1 to an extent of Ac.15.50 cents is classified as Gramakantam, whereas the land occupied by the petitioners is private patta land and is not part of Gramakantam. The revenue authorities are not seeking to evict the petitioners as sought to be contended. According to the learned Assistant Government Pleader, person by name Sri Marishetti Satyanarayana and his son instituted O.S.No.33 of 2011 in the Court of Principal Senior Civil Judge, Kovvur.

Decree was passed in their favour and seeking enforcement of the decree, E.P.No.24/2013 was filed. As per the directions issued in E.A.No.202 of 2013, police protection was granted. In view of directions of the Court, police personnel may have visited the subject land. Learned Assistant Government Pleader also fairly submits that in fact, Government is considering allotment of house site pattas to the petitioners. The photo copies of orders passed by the civil Court in E.P.No.24 of 2013 are produced.

4. In other words, categorical assertion of the learned Assistant Government Pleader is revenue authorities are not interfering in the possession and enjoyment of the petitioners; it is a private patta land and persons, who claimed as owners, are prosecuting the issue against the petitioners.

5. These assertions are not denied. If that is so, petitioners have to work out their remedies as available in law against persons, who sought police protection for removal of the constructions made by the petitioners. Thus, prayer as sought for in the writ petition is misconceived and cannot be granted. Granting liberty to the petitioners to work out their remedies as available in law against private persons, writ petition is disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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