

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 16384 of 2009

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in trying to evict the petitioners summarily from their houses situated in Sy.No.530/ 1 of Peruru Village, Tirupathi Rural Mandal, as illegal, arbitrary and violative of principles of natural justice; and consequently direct the respondents not to evict the petitioners from their houses pending consideration of the applications submitted by them for regularization.

2) The averments in the affidavit filed in support of the writ petition would show that originally land admeasuring Ac.0.50 cents in Sy.No.530/ 1 of Peruru Village belonged to Sowdepalle Ramaiah and Sowdepalle Krishnaiah. The petitioners purchased small extent of land for house sites from the said persons. Thereafter, they constructed houses in their respective house plots and the Gram Panchayat also assessed house tax. It is also stated that the petitioners are in occupation of small extents of land. Even assuming that the petitioners are in illegal occupation of Government land, the authorities have to follow the procedure contemplated under the provisions of the A.P.Land Encroachment Act. It is stated that in view of G.O.Ms.No.166, dated 16.02.2008, the authorities ought to have taken steps for allotment of the said house sites in favour of the petitioners. The action of respondents

in trying to evict the petitioners from the houses, lead to filing of the present writ petition.

3) A counter came to be filed by the Tahsildar-second respondent denying the averments made in the affidavit filed in support of the writ petition. It is his case that G.O.Ms.No.166 Revenue (Assn.POT) Department, dated 16.02.2008 cannot be made applicable to the petitioners. According to him, though the applications for regularization of government land in favour of the occupants is pending but the land where the petitioners have encroached, was classified as Lothu Vanka meaning thereby that the said land is a water course for the village. Hence, it is urged that the same cannot be regularized in favour of the petitioners.

4) A reply came to be filed by the petitioners stating that subsequent to G.O.Ms.No.166, the Government issued G.O.118 dated 30.03.2016, wherein the Government after examining the matter in consultation with the Special C.S and Chief Commissioner of Land Administration, Andhra Pradesh, formulated a scheme for regularization of unobjectionable encroachments in government lands by way of dwelling units. It is further stated that the said scheme will be applicable to Tadepalligudem Airfiled lands only.

5) It is the case of the petitioners that they made representations seeking regularization of their encroachments which are not considered.

6) Having regard to the above, the respondent-authorities are directed to pass appropriate orders on the representations made by the petitioners, if any, pending at the earliest.

7) With the above direction, the above writ petition is disposed of. There shall be no order as to costs.

8) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

10.04.2017
gkv



JUSTICE C. PRAVEEN KUMAR