

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.28428 OF 2017

Dated:28.08.2017

Between:

P. Balaswamy, S/o. Late P.Adam,
Aged 38 years, Occ: Cultivation,
R/o.Chandragudem Village,
Mylavaram Mandal, Krishna
District and others

.. Petitioners

And

State of Andhra Pradesh, rep., by its
Principal Secretary to Government,
Revenue Department, Secretariat,
Velagapudi, Amaravathi, Guntur
District and others

.. Respondents



The Court made the following:

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ORDER:

Petitioners claim that they are the absolute owners and possessors of lands to an extent of Acs.2.18 cents, Acs.2.05 cents, Acs.2.18 cents, Acs.2.18 cents and Acs.2.05 cents in Survey No.17/11, 17/5, 17/6, 17/7 and 17/8, respectively, situated at Chandragudem Revenue Village in Mylavaram Mandal of Krishna District. The said lands were assigned to the petitioners and their family members. Subsequently, they were granted D-Form pattas and they have been in possession and enjoyment of the said lands. While so, in the 1st week of July, 2017, respondents 2 to 4 visited the lands of the petitioners and insisted them to vacate the said lands. Though petitioners sought to question the high handed behaviour of the respondent authorities, they were threatened to evict compelling them to institute this Writ Petition.

2. Learned Government Pleader for Forests submits that written instructions are furnished to him vide Rc.No.750/2017, dated 17.08.2017 by the Divisional Forest Officer, Krishna Division, Vijayawada. Proceedings of the Assistant Collector, Vijayawada, dated 05.10.2007, and photo copies of the land record are enclosed to the written instructions.

3. As seen from the proceedings dated 05.10.2017, pattas earlier granted to the petitioners and others were cancelled holding that the said lands are forest lands and in the revenue records, the lands are reflected as Government lands. It is thus clear that by the year 2007, pattas earlier granted were cancelled and

possession was already taken by the Forest Department. While so, suppressing these facts, this Writ Petition is filed as if D-Form pattas granted earlier still subsist in the name of the petitioners. Petitioners filed the documents which were issued to them in the year 2001, wherein their names still stand in the revenue records.

4. This statement of the petitioners clearly amounts to suppression of facts and without disclosing the facts, petitioners sought direction from the Court as if they are in possession. Therefore, the Writ Petition is liable to be dismissed.

5. The Writ Petition is accordingly dismissed in *limini*. There shall be no order as to costs.

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

Date:28.08.2017

KH

P. NAVEEN RAO, J

