

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.3266 OF 2015

ORDER:

Heard Mr.T.Ramakoteswara Rao for petitioner and the Assistant Government Pleader (Revenue) for respondents.

The prayer is against threatened dispossession of petitioner from an extent of Ac.02-40 cents in Sy.No.115/1 of Kadavakuduru Village, Chinaganjam Mandal, Prakasam District, without recourse to law.

The petitioner alleges that the 4th respondent through DKT patta No.119/1411 dated 30.11.2001 assigned petition land in favour of petitioner. The assignment is subsisting as on date. While matters stood thus, without recourse to law, the possession of petitioner is disturbed. Hence, the writ petition.

On 20.02.2015, this Court protected possession of petitioner. The 4th respondent filed counter affidavit and also a petition to vacate the interim order dated 20.02.2015. In the counter affidavit, the stand taken by the 4th respondent enables this Court to dispose of the writ petition and hence, the same is excerpted:

“It is submitted that the Assistant Director, Mines & Geology, Ongole vide his letter Rc.No.8148/M/2014, dated 01.08.2014 has forwarded an application of Sri G.Krishna Kishore s/o G.Venugopala Radha Krishna Rao of Hyderabad for grant of lease for quarrying sand in an extent of 28.47 cents in S.No.115 of Motupalli Village. The Asst.Director, Mines & Geology, Ongole vide his letter Rc.No.8148/M/2014, dated 01.08.2014 has forwarded another application of Sri Vasideva Murty, s/o Subbarao of Dronadula Village, Martur Mandal, Prakasam District for grant of quarry lease for quarrying of sand in the same S.No.115 of Motupalli Village. He has requested me to

submit feasibility report in the matter. In this connection the 4th respondent i.e., Tahsildar, Chinnaganjam inspected the land and found that there are sand heaps in S.No.11/1 of Motupalli Village. The land in S.No.11/1 of Motupalli Village is classified in the Village accounts i.e., R.S.R of the Village as "Sona Poramboke". The total extent of the land in S.No.115/1 is Ac.26.60 cents. The following are the land use particulars for the said land.

1)	Land covered by creaks and buffers	Ac.8-26
2)	Land in possession and enjoyment of some persons	Ac.11-63
3)	Remaining land covered by sand Heaps	Ac. 6-71
		Total: 26-60

Hence, the 4th respondent i.e., the Tahsildar, Chinnaganjam has submitted feasibility report vide Rc.276/2014 dated 06.09.2014 to the Revenue Divisional Officer, Ongole for an extent of Ac.6.71 cents which is covered by sand heaps. There is no proposal to evict the petitioner from the land under his possession and enjoyment.

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In reply to para-2 of the affidavit under reply, it is submitted that it is not correct to state that the respondents are interfering with the peaceful possession and enjoyment of the petitioner in the land admeasuring an extent of Ac.2-40 cents in S.No.115/1 of Motupalli Village. The contention of the petitioner is entirely false. If this land is really required by the Government for any public purpose, the petitioner will be evicted from the land only after following due process of law. At present there is no proposal to evict from the land".

The statement is placed on record and the writ petition is disposed of accordingly. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, stand closed.

S.V.BHATT, J

12th June, 2017
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