

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.16785 of 2017

ORDER:

The petitioners state that they are in continuous possession and enjoyment of the land in Survey No.24/1 in an extent of Acs.2.00 and Ac.0.36 cents by petitioner Nos.1 and 2 respectively out of the total extent of Acs.4.66 cents situated at Rayapura Agraharam Village, Sabbavaram Mandal in Visakhapatnam District for more than six decades. They are raising dry and wet crops in the said land. There was no irrigation facility for the said land and they are depending on the monsoon rains. They filed cist receipts pertaining to the years 2001, 2002 and 2003 in support of their claim. They did not file any copies of pattadar pass books and title deeds. It is their further case that the staff of the second respondent visited their lands on 02.05.2017 and started marking the land. No notice was issued to the petitioners. In those circumstances, they filed the present Writ Petition challenging the action of respondent Nos.2 and 3 in interfering with the possession of their land.

This Court, by order dated 11.05.2017, granted stay of dispossession and it was extended up to 31.08.2017. Seeking vacation of the said order, the Panchayat Secretary of Rayapur Agraharam filed a counter affidavit stating that as per the revenue records, the land is classified as poramboke revati tank. This is evidenced by the letter dated 03.05.2017

addressed by the Tahsildar to the Mandal Parishad Development Officer enclosing a copy of the SLR. It is also stated that the revenue authorities are in possession of the said land. The Government introduced a programme to restore and develop the tanks under “Neeru Chettu” programme and the Gram Panchayat identified the said unused tank in order to develop the same under the said programme. There is no crop as stated by the petitioners in their Writ Petition.

The petitioners have not filed any document evidencing their title to the land, except filing copies of the cist receipts. The Government is claiming title to the land based on the classification made in the revenue records. The possession of the petitioners as on the date of filing the Writ Petition is also not substantiated by any documentary evidence. In those circumstances, it is for the petitioners to work out their remedies in accordance with law as against the claim of the respondents. This Court cannot come to the aid of the petitioners merely based on the cist receipts.

The Writ Petition is, accordingly, dismissed. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

06.09.2017
vs