

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.8170 of 2017

ORDER:

The petitioners apprehending forcible dispossession from Sy.Nos.86, 129 and 309 of Tubadu Village, Nadendla Mandal, Guntur District, have filed the instant writ petition.

The petitioners rely upon proceedings D.Dis.No.7790/68/C dated 06-05-1968 to contend that the entry of either petitioners or their predecessors-in-interest into subject matter of the writ petition, is pursuant to orders passed by the 2nd respondent- Revenue Divisional Officer, Narasaraopet, Guntur District. Therefore, the possession prima facie is not illegal. The petitioners are continuing to be in possession since 1968. Therefore, the dispossession of petitioners, without recourse to law, is illegal, arbitrary and unconstitutional.

The Assistant Government Pleader (Assignment) places on record the instructions communicated through Letter Rc.No.93/2017-A, dated 07-03-2017. The instructions read thus:-

“I invite kind attention to the references cited.

I submit that Smt.Shaik Meeravali W/o.Slar and 5 others of Thubadu Village, Nadendla Mandal of Guntur District has filed W.P.No.8170/ 2017 before the Hon'ble High Court of A.P. Hyderabad against Tahsildar, Nadendla and 4 others to pass orders for an extent of Ac.18.17 cents of land in S.Nos.309, 86 and 126 of Thubadu Village, Nadendla Mandal praying the Hon'ble High Court of Andhra Pradesh to direct the respondents not to interfere with the petitioners peaceful possession and enjoyment over the land.

I submit that as per RSR of Thubadu village of Nadendla Mandal, Survey Numbers 309, 86 & 129 are Tank Porambokes.

The then Tahsildar has issued one year temporary patta for cultivation of the land to the above petitioners by his proceedings D.Dis.No.7790, dt.06-05-1968.

Further, it is submitted that the said land is now under the encroachment of petitioners and their family members. But now an application has filed by Village Level Janmabhoomi Committee to survey the boundaries of tank Porambokes under Neeru Chettu Programme for desalitrating of soil from the above tank porambokes to increase the water supply to the villagers and also improvement of ground level water in the village under Neeru-Chettu Programme of AP Government. The Tahsildar, Nadendla, has not send the surveyor to measure the tank porambokes yet. And also it is submitted that Tahsildar, Nadendla will follow act of land encroachment and give notices under Section 7 of Land Encroachment Act before taking any further action on the petition of Thubadu Janmabhoomi Committee.”

From the above, it is clear that the possession and existence of crop at subject matter is not in dispute. The respondents, therefore, if intend to take any action for dispossession or cancellation of eksal patta, are given liberty to proceed in accordance with law.

The possession of petitioners of subject matter is not disturbed except in accordance with law.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 09-03-2017

Note:

Issue C.C. in one week

(B/o)

Prv

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09-03-2017

Prv