

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.36075 of 2017

ORDER:

In this writ petition, under Article 226 of the Constitution of India, by the petitioners, the challenge is to the proceedings of the Collector and District Magistrate, Guntur/4th respondent in Rc.No.B/3253/16 APCRDA, dated 11.08.2017, whereby the lands of various extents of the petitioners in various survey numbers, which were originally classified as Jareebu lands, were now being directed to be treated as dry lands as per the recommendations of the District Level Committee.

Learned counsel for the petitioners would submit that earlier a Divisional Level Committee, after conducting a detailed enquiry and examining the status of the lands with reference to the parameters, classified the subject lands of the petitioners as Jareebu lands and that later on a complaint made by some third party that his land should also be classified as Jareebu land, the District Level Committee has taken up the task of examining the correctness of the classification of the lands of the petitioners as Jareebu lands and that without notice or opportunity of being heard to the petitioners, their lands are re-classified as dry lands instead of as Jareebu lands and that, therefore, the impugned proceedings are unsustainable under facts and in law and are liable to be set aside.

However, learned standing counsel appearing for the respondents 2 & 3, on written instructions, would submit that after issuance of G.O.Ms.No.165 MA & UD (CRDA-2) Dept., dated 25.06.2016, the District Level Committee has become the competent authority to take a decision in respect of the subject

lands of the petitioners and that the District Level Committee noted the defects in the Divisional Level Committee's recommendations and gave valid reasons for re-classifying the subject lands of the petitioners as dry lands and that the proceedings of the District Level Committee, dated 13.07.2017, addressed to the District Collector, Guntur, clearly reflect the reasons and the parameters that are considered and also the new definition that is assigned to Jareebu lands and hence, the proceedings impugned are sustainable.

As regards non issuance of a prior notice to the petitioners before the re-classification of their lands as dry lands instead of as Jareebu lands, the learned Standing Counsel, on instructions, would submit that before the District Level Committee made an inspection, instructions were duly issued to inform all the farmers including the petitioners herein to be present in their respective lands for enquiry and that the news item was also published in local newspapers and that the inspections were made on 21.06.2017 and 22.06.2017 after giving prior telephonic informations to the farmers and, therefore, on the ground of non issuance of a notice the proceedings impugned need not be set aside.

As rightly pointed out by the learned counsel for the petitioners, no proof is produced to show that the farmers including the petitioners were informed on telephone to be present at the time of inspection. Moreover, admittedly, no notices were issued to them before the impugned proceedings were issued.

In that view of the matter, this Court is of the considered view that the impugned proceedings are unsustainable under facts and in law and are liable to set aside.

Accordingly, the Writ Petition is allowed and the impugned proceedings are set aside. It is made clear that this order shall not preclude the authorities concerned to take a fresh decision in the matter in accordance with the procedure established by law, if they so desire, however, after affording an opportunity of hearing to the petitioners herein.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M. SEETHARAMA MURTI, J

19.12.2017
Vjl

