

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.40625 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 land of the petitioner in survey no.34/C, which was originally classified as Jareebu land, is directed to be treated as dry land as per the recommendations of the District Level Committee.

Learned counsel for the petitioner would submit that earlier a Divisional Level Committee, after conducting a detailed enquiry and examining the status of the land with reference to the parameters, classified the subject land of the petitioner as Jareebu land 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 land of the petitioner as Jareebu land and that without notice or opportunity of being heard to the petitioner, his land is re-classified as dry land instead of as Jareebu land and that, therefore, the impugned proceedings is unsustainable under facts and in law and is 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 land of the petitioner 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 land of the petitioner as dry land 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 proceeding impugned is sustainable.

As regards non issuance of a prior notice to the petitioner before the re-classification of his land as dry land instead of as Jareebu land, 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 petitioner 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 proceeding impugned need not be set aside.

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

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

Accordingly, the Writ Petition is allowed and the impugned proceeding is 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 petitioner 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

