

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 12851 of 2017

ORDER :

This Writ Petition is filed to declare the action of the 4th respondent Tahsildar in trying to dispossess the petitioners from their respective lands in an extent of Ac.2.00, Ac.2.00, Ac.1.50, Ac.1.50, Ac.2.50, Ac.2.50 and Ac.1.00 situated at Survey No. 1-1 of Papamma Cheruvu Kandriga Fields, Palemkota Village, Venkatagiri Mandal, SPSR Nellore District, without following due process of law, as illegal and arbitrary.

The petitioners claim ownership over the above pieces of land by way of 'Eksal Lease orders' issued in 1999. It is their case that thereafter, they had dug the bore-wells, obtained power connections and cultivating the said lands by raising various crops. Now, the 4th respondent Tahsildar has been pressurizing the petitioners to vacate the lands, is the main complaint in this Writ Petition.

The 4th respondent has filed a detailed counter-affidavit, paragraphs 2 and 3 of which read as under:

"I submit that Papammacheruvu Kandriga Village is a separate Revenue Village in Venkatagiri Mandal and Survey No.1-1 of the Village measuring an extent of Acs.36.45 cents is classified as "Grazing Poramboke" as per fair adangal. Lease orders were issued to the following individuals during the year 1999 by the then Mandal Revenue Officer.

Sl.No.	Name of the Beneficiary	Sy.No.	Extent
1.	Gunduboina Nirmalamma	1-1	2.00
2.	Gunduboina Akkamma	1-1	2.00
3.	Gunduboina Ramanamma	1-1	1.50
4.	Ganji Polaiah	1-1	1.50
5.	Mudimukkala Subbamma	1-1	1.50
6.	Mudimukkala Narasamma	1-1	2.50
7.	Gunduboina Rathnamma	1-1	1.00
		Total Ac:	13.00

I submit that all the above individuals are doing cultivation in these lands since then even though the lease orders were not extended. They raised loans and dug borewells in these lands and cultivating with paddy and groundnut crops. In some of the fields there are mango trees aged about 15-20 years. All the above beneficiaries (writ petitioners) are in peaceful possession and enjoyment of the lands. Nobody threatened them to vacate from these lands. Suddenly, they approached the Hon'ble High Court seeking direction to the respondents, not to dispossess them from the lands and to grant "D" form pattas. On receipt of petitioners affidavit from the Hon'ble High Court, the matter was enquired into and the details of the case are came into light. Regarding issue of assignment pattas, these lands are situated in a distance of 8 k.ms. from the Mandal Headquarters and there is ban on grant of assignment pattas within a radius of 10 K.Ms. from the Municipal headquarters."

Heard learned counsel for the petitioners as well as learned Government Pleader for Revenue (Andhra Pradesh).

A fair reading of the averments filed in support of the Writ Petition as well as the counter-affidavit discloses that as of now, the petitioners are in possession and enjoyment of the subject land under 'Eksal lease order'. Though there is no renewal of the said lease, from time to time, the fact, however, remains that the petitioners are in possession and enjoyment of the said land, as is affirmed by the respondent authorities. Though the petitioners have been in possession, that too under 'Eksal lease order', the same does not enure to their benefit for grant of patta in their favour.

However, it is directed that if the case of the petitioners falls in any of the schemes, pursuant to the policy decision, taken by the government, the same may be considered, in accordance with law, for grant of pattas over the land, which is in their occupation or in respect of any other land, subject to their eligibility.

With the above direction, the Writ Petition is disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

02nd January 2018

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