

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.2139 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief/ s:

'...to issue order direction more particularly one in the nature of writ of MANDAMUS declare the action of the respondent No.3 & 4 in not providing the protection to the petitioner's land covered in RS.No.107/2A an extent of Ac.4.73 Cts of Gangannagudem Village and RS.No.156/2A an extent of Ac.4.33 Cts of Routhugudem Village, Jeelugumilli Mandal, West Godavari District as illegal arbitrary and contrary to the provisions of Cr.P.C and consequentially direct the respondents No.3 & 4 to consider application filed by the petitioner on 01.12.2017 to arrange necessary protection to the petitioner's land and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.'

I have heard the submissions of the learned counsel for the petitioner, of the learned Government Pleader for Home (AP) appearing for the respondents 1 to 3 and of the learned Government Pleader for Social Welfare appearing for the 4th respondent.

Learned counsel for the petitioner would submit as follows: - 'The present subject matter is a dispute between the petitioner (non-tribal) and tribals in the Agency Area with regard to the land/ s of the petitioner situated in the tribal area. The 5th respondent and his family members criminally trespassed into the petitioner's subject land/ s and are not allowing him to raise any crops in his land/ s and threatening to kill him. Therefore, he requires protection for carrying agricultural operations in the said land/ s. The petitioner made a representation, dated 01.12.2017, to the RDO, Jangareddygudem Division. The RDO concerned is required to pass a protection order on the representation of the petitioner and forward the said order to the police concerned for giving necessary protection to the petitioner and his

family members for enjoying his property; yet, no order has been passed. Hence, the writ petition is filed.'

Learned Government Pleader for Home would submit that the petitioner has to approach the RDO by filing an appropriate application before him.

Learned Government Pleader for Social Welfare Department also would submit that the petitioner ought to have approached the RDO instead of approaching this Court.

Learned counsel for the petitioner brings to the notice of this Court the judgment, dated 28.09.2012, in WA.No.1218 of 2012, a copy of which is placed on record along with the material papers, and submits that whenever there is a dispute between a non-tribal and tribal with regard to a land situate in Agency Area, the RDO is the competent officer to provide protection to the properties in question and that, therefore, the petitioner is entitled to a protection order.

I have perused the afore-mentioned judgment of this Court in the above said writ appeal.

Having regard to the submissions and the facts peculiar to the case, the Writ Petition is disposed of directing the 4th respondent/sub-Divisional Magistrate-cum-Revenue Divisional officer, Jangareddygudem Division, to consider and dispose of the representation, dated 01.12.2017, of the petitioner in strict accordance with the procedure established by law.

There shall be no order as to costs.

Miscellaneous petitions, pending if any, also shall stand dismissed.

M. SEETHARAMA MURTI, J

29.03.2018
Vjl