

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.35401 OF 2013

ORDER:

This Writ Petition is filed seeking to declare the action of the 3rd respondent in insisting the petitioner to vacate the landed property admeasuring Ac.1-80 cents covered by Survey No.447, Shanampudi Revenue Village, Singarayakonda Mandal of Prakasam District, without considering the petitioner's eligibility for assignment of the same, as illegal, irregular and violative of Articles 14 and 21 of the Constitution of India and consequently, direct the respondents not to dispossess the petitioner from the said land and consider her eligibility for assignment.

2. Petitioner's case, in brief, is that she is a landless poor person belonged to scheduled caste community. About 30 years ago, she occupied Ac.1.80 cents of land in Survey No.447 of Shanampudi Revenue Village by clearing the shrubs and bushes and brought the land under cultivation. In the year 1994, she applied to the 3rd respondent to assign the land in her favour. Accordingly, the 3rd respondent sent proposals for conversion of the subject land from classification as Donka poramboke to Government Assessed Waste Land for the purpose of assignment in favour of the petitioner. The 3rd respondent also granted lease in favour of the petitioner for four years i.e., from 1403 Fasli onwards through proceedings, dated 18.03.1994. Thus, the petitioner has been cultivating the subject land and eking out her livelihood. In the year 2002, the petitioner approached 3rd respondent to grant assignment in her favour or alternatively a long term lease. The 3rd respondent issued proceedings in ROC

No.111/2002, dated 12.02.2002, whereby, granted long term lease from 1412 Fasli onwards. The petitioner has been regularly paying the rent and she raised Eucalyptus trees in the said land and now crop is ready for harvesting. While so, on 02.12.2013, the 3rd respondent visited the aforesaid land along with his staff and insisted her to vacate the land within one week, and if she failed to do so, he threatened that she would be vacated by police force. The petitioner came to know that due to extension of National Highway No.5 and its conversation into 6 lane National Highway, the land acquired by the petitioner, which is nearer to the National Highway has gained importance and some political people are interested in getting assignment of that land in favour of their nominees. The petitioner submits that if unduly vacated, she will suffer irreparable loss and injury. Hence, the Writ Petition.

3. Heard learned counsel for the petitioner and learned Government Pleader for Revenue (Assignment), who takes notice on behalf of the respondents.

4. No counter-affidavit is filed so far.

5. This Court, by an order, dated 05.12.2013, passed the interim order, which reads as follows:

“Learned Assistant Government Pleader for Revenue (Assignment) takes notice for the respondents and seeks time for filing counter-affidavit.

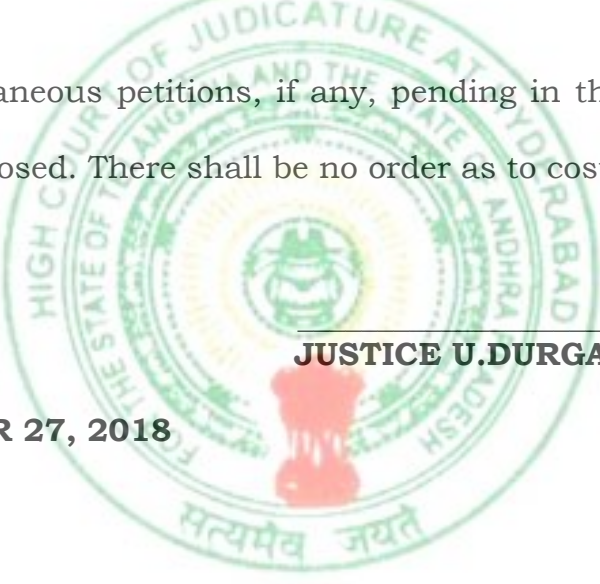
Post on 27.01.2014.

Pending further orders, the respondents shall not dispossess the petitioner from the land admeasuring Ac.1-80 cents in Survey No.447 of Shanampudi Revenue Village, Singarayakonda Mandal, Prakasam District.”

6. As can be seen from the record, the petitioner's prayer is that she has been in possession of the subject land under long term lease with a hope that she will get patta in her favour. Apprehension is that the 3rd respondent is trying to evict her unduly without following due process, which is illegal.

7. Having regard to the above facts and circumstances, the Writ Petition is disposed of directing the respondents not to evict the petitioner from the land to an extent of Ac.1.80 cents in Survey No.447 of Shanampudi Revenue Village, Singarayakonda Mandal, Prakasam District, without following due process of law.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.



JUSTICE U.DURGA PRASAD RAO

NOVEMBER 27, 2018
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THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO



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Date:27.11.2018

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