

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10590 OF 2018

DATED :02.04.2018

Between :

Purama Kantha Rao S/o. Raghavaiha,
Aged about 48 yrs,
R/o.Nizampatnam Village,
Guntur District & others.

.. Petitioners

And

State of Andhra Pradesh,
Rep., by Principal Secretary (Revenue),
Amaravathi, A.P., Guntur District & others

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue for respondents 1 to 4 and learned Government Pleader for Home for respondent No.5.

2. Petitioners claim that they have been cultivating prawns' and fishes in small parcels of land. The first petitioner has been cultivating in an extent of Ac.1.50 cents in Sy.No.918/3, second petitioner is cultivating in an extent of Ac.1.50 cents in Sy.885/4 and Ac.1.50 cents in Sy.No.886/2, third petitioner is cultivating in an extent of Ac.1.00 in Sy.No.963/4 and Ac.0.50 cents in Sy.No.968/1, and fourth petitioner is cultivating in an extent of Ac.1.50 cents in Sy.No.887/2 of Nizampatnam Village, for several years.

3. The land admeasuring 2400 Acres in Nizampatnam Village was acquired by the Government and allotted to Vanpic Projects Private Limited in the year 2007. Out of this 2400 Acres of land, 1600 Acres of land was sold by the farmers and they were paid compensation. Petitioners are in occupation of land which was already acquired by the Government and they do not deny this fact. However, it appears Vanpic Projects Private Limited has not established the unit for which purpose, the land was acquired and the company is closed; it appears CBI is enquiring into various allegations of assignment of land and other aspects. Meantime, petitioners are cultivating these lands though they have no manner of right to cultivate. Having realized that illegally cultivation is going on, the respondent authorities seem to have initiated steps to

vacate the petitioners. At this stage, petitioners rushed to this Court alleging illegal interference by respondents 4 and 5.

4. Having regard to the facts noted above, it cannot be said that there is illegal interference by respondents 4 and 5. There is no manner of right vested in the petitioners to occupy the lands vested in Government. Even if Vanpic Projects Private Limited has not used the land, Government is entitled to take possession of the land.

5. Having realized that there is no manner of right not to dispossess them, learned counsel for the petitioners fairly submits that as of today cultivation is in active progress, and yield from pisciculture will take four to five months and that the petitioners would vacate the lands soon after the present pisciculture activity is completed.

6. Having regard to this submission, the Writ Petition is disposed of directing the petitioners to file affidavits within a period of ten days from the date of receipt of copy of this order, before the Revenue Divisional Officer, Tenali, Guntur District (3rd respondent), undertaking to vacate the subject lands after completion of the present pisciculture activity; and thereafter they will not be encroaching into the lands or undertake any cultivation. If any such undertaking is filed within the time stipulated, the 3rd respondent shall permit the petitioners to reap the benefits of pisciculture activity undertaken by them in the subject lands and not to disturb them for the next five months from today. Petitioners shall vacate the lands after completion of the present pisciculture activity and they are not entitled to be in possession, after five months from today. If no such undertaking is

filed within the time granted, the RDO is at liberty to take further action as warranted by law. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

2nd April, 2018
Rds

P.NAVEEN RAO,J

