

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10731 OF 2018

Dated:03.04.2018

Between:

Saikam Basavaiah, S/o. Mutheshwar
Rao, aged about 48 years, R/o. Nizampatnam
Village, Guntur District .. Petitioner

And

State of Andhra Pradesh, rep., by
Principal Secretary (Revenue),
Amaravathi, A.P., Guntur District
and others .. Respondents



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ORDER:

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

2. Petitioner claims that he has been cultivating prawns' and fishes in small parcel of land to an extent of Ac.0.95 cents in Survey No.968/2 of Nizampatnam Village, Guntur District, 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. Petitioner is in occupation of land which was already acquired by the Government and he does 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, petitioner is cultivating the land though he has no manner of right to cultivate the said land. Having realized that illegally cultivation is going on, the respondent authorities seem to have initiated steps to vacate the petitioner. At this stage, petitioner 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 petitioner to occupy the land of the Government. If Vanpic Projects Private Limited has not used the land, the Government is entitled to take possession of the land.

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

6. Having regard to this submission, the Writ Petition is disposed of directing the petitioner to file affidavit 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 land after completion of the present pisciculture activity and thereafter, he will not encroach or undertake any cultivation in the said land. If any such undertaking is filed within the time stipulated, the 3rd respondent shall permit the petitioner to reap the benefits of pisciculture activity undertaken by him in the subject land and shall not disturb him for the next five months from today. Petitioner shall vacate the land after completion of the present pisciculture activity and he is not entitled to be in possession after five months from today. If no such undertaking is filed within the time granted, the 3rd respondent is at liberty to take further action as warranted by law. There shall be no order as to costs.

Miscellaneous Petitions, if any, filed in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:03.04.2018

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