

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10642 OF 2018

Dated:03.04.2018

Between:

Odugu Krishnamurthy,
S/o. Laxmana Swamy,
Aged about 40 years,
R/o.Nizampatnam Village,
Guntur District and others

.. Petitioners

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 petitioners; learned Assistant Government Pleader for Revenue appearing for respondents 1 to 4 and learned Government Pleader for Home appearing for respondent No.5.

2. Petitioners claim that they have been cultivating prawns' and fishes in small parcels of land. The first petitioner is cultivating the said activity in an extent of Acs.4.50 cents in Survey No.918/1, 916/4, 922/4 and 922/2, second petitioner is cultivating in an extent of Acs.3.00 in Survey Nos.944/2 and 944/1, third petitioner is cultivating in an extent of Acs.5.00 in Survey Nos.947/3, 947/4, 948/2 and 948/3 and fourth petitioner is cultivating in an extent of Acs.2.95 cents in Survey Nos.886/3, 887/4 and 886/1 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. 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 the said lands. 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 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 petitioners, learned counsel for the petitioners fairly submits that as of today cultivation is in active progress; 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 encroach or undertake any cultivation in the said lands. 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 shall not 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 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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