

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.12341 OF 2018

DATE: 25.04.2018

Between :

Kota Mahankali, s/o. Pedda Gangulu, Aged 57 years,
Occ:Cultivation, R/o Cherukuwada Village,
Undi Mandal, West Godavari District, Andhra Pradesh.

.... Petitioner

And

The State of Andhra Pradesh, rep by its Chief Secretary,
Revenue Department, Secretariat Buildings, Amaravathi,
Velagapudi, Guntur District, Andhra Pradesh and others.

..... Respondents



This Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.12341 OF 2018

ORDER:

Admittedly, petitioner is in occupation of Ac.0.35 cents of land in R.S.No.190 (old Sy.No.8) of Cherukuwada Village, Undi Mandal, West Godavari District, which is classified as Government Poramboke. Petitioner now alleges that he sought to be dispossessed without following due process though petitioner has been in occupation and enjoyment of this piece of land; developed the land for cultivation and paying requisite taxes as well as electricity charges in respect of the said land.

2. Learned Government Pleader produced written instructions furnished by Tahsildar vide his letter dated 11.04.2018. Written instructions would disclose that total extent of Government land in R.S.No.190 is Ac.4.46 cents. Out of this, an extent of Ac.0.70 cents of land was allotted for the purpose of construction of solid waste management shed (dumping yard) for Cherukuwada Gram Panchayat and accordingly Gram Panchayat passed resolution on 31.12.2014 to construct a shed. It appears, technical approval was granted on 17.07.2017, administrative approval on 23.03.2017, actual work commenced on 22.2.2018 and 50% of construction work was already completed. According to instructions, petitioner is neither in possession of land nor cultivating the said land and no encroachments are booked in the revenue records nor reflected in the village accounts.

3. Thus, these instructions would disclose that construction of solid waste management shed was already taken up on Ac.0.70 cents of land in the said survey number. Though Tahsildar asserts that petitioner is not in possession and enjoyment of land, Court is not expressing any opinion on the same as assuming that even petitioner is in possession,

no material is placed on record to show that he sought to be dispossessed. In the said survey number, extent of land is larger than what is claimed by petitioner and what is allotted to Gram Panchayat for construction of solid waste management shed. Therefore, I see no merit in the contention urged by petitioner. Writ Petition is accordingly dismissed. However, it is open to petitioner to work out his remedies to establish that he is in possession of subject land and that he should not be dispossessed without following due process. Pending miscellaneous petitions shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date: 25.04.2018
kkm



HONOURABLE SRI JUSTICE P.NAVEEN RAO



WRIT PETITION NO.12341 OF 2018

DATE: 25.04.2018

kkm