

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.21064 OF 2006

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in changing or altering the usage of the land belongs to Grampanchayat admeasuring Ac.242.88 cents situated in Chitlametla of Rajampally Revenue Village, Peddaraveedu Mandal, Prakasam District, from grazing poramboke to any other purpose, as illegal, void and arbitrary, and consequently, to direct the respondents not to issue pattas in respect of the said land.

2. Heard Sri V.R. Avula, learned Counsel for the petitioners and the learned Government Pleaders for Panchayatraj and Revenue for the official respondents and Sri Kasa Jagan Mohan Reddy, learned Counsel for respondents Nos.7 to 11 and Sri M. Prabhakar Rao, learned Counsel for the 6<sup>th</sup> respondent.

3. It has been submitted by the learned Counsel for the petitioners that the land admeasuring Ac.242.88 cents situated in Chitlametla village, which was lying waste, is being used as grazing poramboke land from the times immemorial, and while so, the official respondents, without following the procedure contemplated under the statute are trying to issue pattas in respect of the land in question. It has been further submitted that the official respondents cannot be allowed to convert the land in question from grazing to any other purpose, without issuing any notification under Section 58 of the A.P. Panchayat Raj Act.

4. When this matter was taken up for hearing, the learned Government Pleader for Panchayatraj pointed out that in the counter-affidavit filed by

the 3<sup>rd</sup> respondent-District Collector, it was mentioned that assignment pattas were granted without converting the land from Grazing Ground Poramboke to A.W. and that the action against the pattas granted in violation of the provisions of the A.P. Panchayat Raj Act, 1994, without converting the Grazing Ground Poramboke to A.W. in violation of the provisions contained in BSO 15, would be taken after disposal of the writ petition, and since there was an interim direction of this Court to maintain status quo, the District Collector is not in a position to take any action. The learned Government Pleader for Panchayatraj submits that in view of the statement made by the 3<sup>rd</sup> respondent in the counter-affidavit, a direction may be given to the District Collector to take necessary action.

5. In view of the fact that the 3<sup>rd</sup> respondent-District Collector filed a counter-affidavit admitting that pattas were granted contrary to the provisions of the A.P. Panchayat Raj Act, 1994, without converting the Grazing Ground Poramboke to A.W., it is just and proper to direct the District Collector to take action for cancellation of pattas granted in respect of the land in question.

6. Accordingly, the District Collector is directed to take suitable action for cancellation of pattas, which were granted in respect of the land in question without there being any notification by the State Government under Section 58 of the Panchayat Raj Act, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

**(ABHINAND KUMAR SHAVILI,J)**

Dated: 23<sup>rd</sup> April, 2018  
Nn

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.21064 OF 2006

Nn

