

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.19431 of 2014

ORDER:

The present Writ Petition is filed seeking the following relief:

“It is therefore prayed that this Hon’ble Court may be pleased to pass a writ, direction or order more particularly one in the nature of writ of Mandamus under Article 226 declaring the action of Respondent No.6 in threatening and forcing the petitioners to evict and the Revenue Official Respondents in not taking any steps to allot and issue House site patta’s to the poor daily waged Petitioners and 196 similar socially and economically marginalized ones residings in their huts erected for years on the vacant Bhoodan Government Lands situated in s.No.328 admeasuring Acs.3.87 cents of land in Chekkapalli Village of Musunuru Mandal in Krishna District despite of Petitioners eligibility and repeated written representations till 7.6.2014 agitations before the Respondents dated 19.3.2012, 8.10.2012, 28.10.2013 and 2.6.2014 against the High Court directions to conduct enquiry by Respondent 5 and decision by Respondent 3 in two months as ordered in WP No.19105/2013 dated 13.2.2014 on the other hand Respondent No.7 granting pattas in the proceedings No.BYB/B/116/2013 dated 05.05.2014 to 24 well to do persons not being landless poor who are said to have applied during March-April 2014 on the very same lands and S.Nos. where the petitioners and 196 hut-dwellers are residing is illegal and unlawful

against the Bhoodan Act and Rules besides being violative of Articles 14, 21 and Article 39 of Constitution of India and principles of natural justice consequently, direct respondent No.7 to cancel the grant of pattas in the proceedings No.BYB/B/116/2013 dated 05.05.2014 to 24 well to do persons not being landless poor and direct respondent No.6 not to interfere into this Bhoodan land issue and further direct other Revenue official Respondents to follow the direction of this Hon'ble Court given in WP.No.19105/2013 dated 13.2.2014 and to take steps to allot and grant House site patta's to the landless poor daily waged Petitioners d 4 and 196 similar socially and economically marginalized ones residings in their huts erected for years on the vacant Bhoodan Government Lands situated in S.No.328 admeasuring Acs.3.87 cents of land in Chekkapalli Village of Musunuru Mandal in Krishna District and sanction loan under Government Scheme for pucca Houses there and also protect them from the attacks of the influential private Land Grabbers and continuous police threats and false cases and pass...."

At the outset, it may be noted that the present Writ Petition is a sequel to Writ Petition No.19105 of 2013 ordered by this Court on 13.02.2014.

The said Writ Petition No.19105 of 2013 was filed by one Smt. P. Tulasi Ratnam, w/o late Narayanaswamy, asserting that she is the owner and possessor of land admeasuring Acs.3.49

acres and Acs.4.22 cents in Survey Nos.323 and 328 respectively, of Chekkapalli Revenue Village, Musunuru Mandal, Krishna District; that challenging the notice issued by the then Tahsildar, she filed Writ Petition No.8354 of 2013, which in turn came to be disposed of by this Court on 22.03.2013 with the direction to the Tahsildar to consider her reply, dated 20.02.2013 and that in spite of the said order, the Tahsildar has not taken up enquiry and passed orders and in the meanwhile, respondents 7 to 11 have egged certain private individuals on to encroach the subject land. This Court after taking into consideration the respective submissions disposed of the said Writ Petition on 13.02.2014 with a direction to the Tahsildar, Musunuru Mandal, Krishna District, to decide the question whether the land claimed by the petitioner in her own right or the same forms part of the land donated to Andhra Pradesh Bhoodan Yagna Board and further direction to the State authorities to ensure no further encroachments shall be made in the said land and in the event, the land is found to be private, they shall take appropriate measures for removing the encroachments in accordance with law. In the said order, this Court made certain observations, which are as under:

“To my mind, the most important question which is required to be addressed is to the nature of title which the writ petitioner possesses in the land in question. That can be decided by the Tahsildar by taking up the enquiry initiated by him pursuant to the notice drawn by him on 25.10.2012. Nearly, 1 ½ years time has elapsed since then. It is only therefore appropriate that the Tahsildar should pronounce his opinion as to whether the lands in question are private patta lands owned by the writ petitioner or they are part of a large chunk of Acs.23.12 cents of land which Sri Ankushrao Subbaraju has donated to the Andhra Pradesh Bhoodan Yagna Board as on 15.08.1964.”

In the case on hand, now, it is brought to the notice of this Court that as a matter of fact, in obedience to the orders of this Court dated 13.02.2014 in Writ Petition No.19105 of 2013, the Tahsildar passed order, dated 18.01.2016 holding that the land in R.S.Nos.323 and 328 is a private land and is at present in the possession and enjoyment of one Smt. Y. Chandravathi, W/o Prabhakara Rao Naidu, after the demise of the writ petitioner in Writ Petition No.19105 of 2013, namely, Smt. P. Tulasi Ratnam; that the encroachments being made by the private persons, it shall be the responsibility of the owner, who is impleaded as respondent No.8 herein, to take necessary steps in accordance with law and that out of 92 encroachers, only 8 encroachers had

no house-site on their own and such 8 persons shall be provided with a house-site in some other Government vacant lands.

Learned counsel representing respondent No.8 submits that as a matter of fact, as on date, all the encroachers have been evicted and a banana crop has been raised on the subject land and it is in peaceful possession and enjoyment of his client.

Having regard to the aforesaid developments, the cause in the present Writ Petition does not survive any longer.

As it is the contention of the learned counsel for the petitioners that various documents with respect to donating the land in favour of Bhoodan Yagna Board have not been considered and enquiry has not been conducted properly by the Tahsildar, it would be open for the petitioners to challenge the order, dated 18.01.2016 in accordance with law.

Granting liberty to the petitioners as above, this Writ Petition is closed.

CHALLA KODANDA RAM, J

1st AUGUST, 2018.

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