

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.9651 of 2007

ORDER:

This writ petition is filed to declare the action of the respondents in attempting to dispossess the petitioners forcibly from their respective pieces of land an extent of Ac.0-15 cents each in Sy.No.11/2 of Paradeshipalem village, Chinagadili Mandal, Visakhapatnam District, without any notice to the petitioners as illegal and arbitrary. A consequential direction was also sought not to dispossess the petitioners from their respective pieces of lands.

The brief facts of the case, so far as they are relevant for the purpose of disposal of this writ petition, are as follows:

The petitioners are in possession and enjoyment of the land to an extent of Acs. 2-25 cents in Sy.No.11/2 of Paradesipalem village, Chinagadili Mandal, Visakhapatnam District; they are paying taxes for the respective pieces of land; all through they are requesting

the Government to issue pattas in their favour; on 20.4.2007 officials of the Revenue Department along with the officials of the Electricity Department came to their lands and attempted to dig a foundation pit; the petitioners objected to the same; no notice whatsoever has been issued to the petitioners prior to digging their lands and that they are trying to dispossess them forcibly.

W.P.M.P.No.36040 of 2008 has been filed seeking to implead Eastern Power Distribution Company of Andhra Pradesh Limited (EPDPCL). In the affidavit filed along with the implead petition, it is stated that for the purpose of construction of 33/11 KV Sub Station at Paradesipalem, Visakhapatnam Rural Mandal, the Electricity Department made a representation to the Joint Collector on 14.7.2006 seeking allotment of the land in Paradesipalem; after verification, the Mandal Revenue Officer has handed over an extent of Ac.1.50 cents in Sy.No.11/2, part of Pardesipalem village on 20.3.2007; the construction work for establishment of the sub station has been taken up and more than an amount of Rs.90,00,000 lakhs was spent; the petitioners are aware of the fact that the lands have been handed over to the company and the construction work has already been started; without impleading the

company as respondent, writ petition has been filed. The said implead petition was ordered on 16.12.2008 and in W.P.M.P. No.25869 of 2008, EPDPCL was permitted to proceed with the construction of substation in all respects. In the said WPMP, it is observed that “allegedly petitioners are in possession of the Government land and no assignment was made to them.” “It is settled that no citizen can insist upon assignment of a particular land, which is earmarked for public purpose.”

Counter affidavit has been filed by Tahsildar, Visakhapatnam (Rural) on behalf of the official respondents *inter alia* stating that the village Paradesipalem was taken over under the provisions of the E.A. Act, 1948 along with other villages of Vizianagaram Estate; after abolition of the Estate, Regular Survey and Settlement Operations were conducted and they were completed before 1958; during the course of settlement operations, the settlement authorities entertained all the claims and determined the new rights under Estate Abolition Act, 1948 and granted settlement pattas to all the eligible persons and prepared settlement records; Sy.No.11/2 is classified as “Koneru” (Government Land) and recorded as such, in all revenue records; the said land was handed over to the Superintending Engineer, APEPDCL, Visakhapatnam

on 20.3.2007 as per the instructions of the Joint Collector, Visakhapatnam even prior to filing of the writ petition; no assignments were made to any body in the above survey numbers and that the writ petitioners do not have any right over the said land and their names were not included in any of the revenue records.

Heard the learned counsel for the petitioners and learned Government Pleader for Revenue.

As seen from the record, the subject land is classified as "Koneru" i.e., the Government land and the same is not assigned in favour of the petitioners. The said land is also handed over to the EPDPCL on 20.3.2007. There is an interim direction permitting the EPDPCL to proceed with the constructions of the sub station in all respects on 16.8.2008.

Learned counsel for the petitioners also submits that pursuant to the said interim direction, EPDPCL proceeded with constructions in all respects and no further orders are necessary in the writ petition.

Hence, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date: 29.6.2018

slk



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