

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.17658 of 2017

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Revenue (A.P.) and Sri Ravi Cheemalapati, learned Standing Counsel for the 4th respondent.

2) The facts, in brief, are that the petitioner claimed that he is in peaceful possession and enjoyment of the land to an extent of Ac.1-07 cents situated in Sy.No.190 of Cherukuwada Village, Undi Mandal, West Godavari District and cultivating the same. It is his submission that the subject land is a Government poramboke, he has been cultivating the same for long and that it is the only source of livelihood for him. It is also asserted that several times, himself and his father had made applications / representations, the latest being the one dated 06.08.2015, to the respondent authorities to regularize the occupation of the land and grant patta in their favour. However, no action has been taken so far.

3) While the things stood thus, on 28.05.2017, certain government officials claiming to be the subordinates of respondents 3 and 4 had started measuring the land and that the petitioner was informed that the same was being done for the purpose of establishment of dumping yard. In those circumstances, the petitioner approached this Court stating that he is in peaceful possession and enjoyment of the subject land and that his possession shall not be disturbed without following due process. It is further asserted that there is alternative land available for dumping yard and it need not be established in the land which is in occupation of the petitioner.

4) Respondents 3 and 4 both filed counters. In the counter affidavit filed by the 3rd respondent, the allegation of interference is denied. It is further stated that there is no other land available in the village and the land, which has been identified for dumping yard, is a government poramboke, hence, no D-form patta can be granted under relevant regulations. It is also further stated that considering resolution No.52, dated 31.12.2014 passed by the Gram Panchayat, the land was allocated to the Gram Panchayat for establishing a dumping yard.

5) The counter affidavit of the 4th respondent is also to the similar effect, wherein it has been asserted that the land has been allotted to them and that the petitioner has no right to continue therein.

6) Having considered the respective submissions, admittedly, the petitioner is in possession and enjoyment of the land though it is denied with respect to the time-frame, as claimed by him. As on date, no proceedings have been initiated against the petitioner either under the Land Encroachment Act or under any other enactment. However, when the land is required for public purpose, the petitioner cannot make a claim for issuance of D-form patta in respect thereof. The right of the petitioner to be granted patta with respect to the land in occupation or any other land, would depend on the schemes that are being notified by the government from time to time.

7) So far as the present writ petition is concerned, as, admittedly, no proceedings were initiated against the petitioner, it is made clear that he shall not be evicted without following due process of law.

8) Accordingly, the Writ Petition is disposed of. No costs.
Consequently, Miscellaneous Petitions, pending if any, shall stand closed.

CHALLA KODANDA RAM, J.

Date: 04.01.2018.

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