

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.12583 OF 2014

ORDER:

The petitioners seek writ of *mandamus* declaring the action of the respondents in not extending the lease granted to them in respect of "Vaagu Poramboku Lands" in Survey Nos.541, 542, 576 and 578, situated at Thalamudipi Village, Midthur Mandal, Kurnool District, as arbitrary and illegal and consequently, direct the respondents to accord extension of lease.

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

3. No counter is filed so far.

4. Petitioners' case, in brief, is that the lands in the aforesaid survey numbers are situated adjacent to the lands of Maddileru Vaagu. Petitioners are agriculturists, doing labour works and they belong to Scheduled Caste community and do not have any land either patta or assigned. Therefore, the petitioners have submitted an application to respondents 3 and 4 in the year 2005 for leasing out the lands in the aforesaid survey numbers. Thereupon the 4th respondent has granted one year lease permitting the petitioners to cultivate the lands to an extent ranging from Ac.1-70 cents to Ac.2-00 cents vide proceedings No.Rc.(B)/233/05, dated 17.09.2005. On such permission, the petitioners have levelled the lands and brought under plough. However, the surrounding land owners developed grudge against them and filed W.P.No.21891 of 2011 with a prayer to direct the respondents not to allow the petitioners herein to cultivate the

River Bed Lands in the aforesaid survey numbers. In the said writ petition, an order was passed by this Court to the effect that neither the writ petitioners nor respondents 4 to 13 shall cultivate the lands existing by the side of Midthur Mandal, Kurnool District, unless permission is granted by concerned authorities. After disposal of the said writ petition, the petitioners have submitted a representation, dated 14.11.2012 to the 3rd respondent with a request to permit them to cultivate the said lands. On receipt of representation, the 3rd respondent has conducted an enquiry and issued notice to the petitioners as well as neighbouring land owners in proceedings No.C.1558/2011, dated 17.11.2012 directing them to appear on 22.11.2012 in his office and also directed to 4th respondent-Tahsildar to attend his office for hearing with detailed report and relevant records. Thereafter, the 3rd respondent again issued notice directing the authorities to appear before him and also directed 4th respondent to attend his office with relevant records. However, on account of non furnishing of the concerned records by the 4th respondent, no further steps could be taken by respondents 2 and 3. While the matter stood thus, on 23.10.2013, the neighbouring land owners have illegally interfered with the possession of the petitioners over the lease hold lands and damaged the standing paddy crop. The petitioners have submitted a representation on 04.12.2013 to the respondents and also police to take action. However, no action has been taken so far. Hence, the writ petition.

5. Having regard to the nature of prayer made in the writ petition, the Writ Petition is disposed of with a direction to the respondents to consider the representation of the petitioners, dated

14.12.2013, seeking for extension of lease period over the subject survey numbers, and pass an order on merits within a period of eight (8) weeks from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE U.DURGA PRASAD RAO

NOVEMBER 28, 2018

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Date:28.11.2018

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