

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.38304 AND 38318 OF 2013

COMMON ORDER:

These two writ petitions are filed challenging the action of the respondents in dispossessing the members of the petitioners/societies from the plots of land in Survey Nos.11, 110, 110/1, 111 and 111/1A of Kasimkota Village and Mandal, Visakhapatnam District. They state that possession certificates were issued in their favour and without issuing any notice, they are being dispossessed because of political rivalry.

A counter affidavit is filed in W.P.No.38304 of 2013 stating that the Government of Andhra Pradesh launched Indiramma Housing Scheme and identified 536 beneficiaries in Phase-III of the programme in the year 2007. There is a vast extent of land available in Survey Nos.11, 110/1 and 111/1A of Kasimkota Vilalge. The Gram Panchayat also passed a resolution on 07.03.2008. One D.Nookeswara Rao filed W.P.No.27243 of 2008 and sought a direction not to issue house site pattas in respect of the lands situated in Survey Nos.110/1 and 111/1 and the same was dismissed on 26.12.2008. Again the said Nookeswara Rao along with another person filed W.P.No.3263 of 2009 against the Government and 139 beneficiaries in respect of the land stating that it is a grama kantam land and not to issue house site pattas. The said writ petition was disposed of on 27.04.2012 observing that in view of the Gazette notification dated 03.02.2012, nothing survives in the writ petition. Yet again some persons filed W.P.Nos.34726 of 2011 and the same was disposed of on 31.01.2012 and some other persons filed W.P.Nos.23033 and 23035 of 2015 and the same were disposed of by this Court by common order on 31.07.2015 holding that no action as apprehended by the petitioners was taken by the first respondent against them, and, as and when any action is taken, the first respondent shall follow due

process of law. Accordingly, it was held that no further directions are required. It is also stated that the respondents never interfered with the peaceful possession and enjoyment of any original beneficiaries. If any land encroacher or land grabber is trying to make efforts to grab the valuable Government land in any manner, the respondents would initiate action as per law and evict them.

In view of the statement made by the respondents in their counter affidavit, the apprehension of the petitioners has no basis. The writ petitions were filed in the year 2013 and no interim order was passed in the writ petitions and it clearly shows that the apprehension has no basis.

In view of the same, the writ petitions are disposed of directing the respondents not to interfere with the patta land of the members of the petitioners/societies, if they possess valid title, without following due process of law.

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

22.02.2018
pln

A.RAMALINGESWARA RAO, J