

THE HO'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NOS.39249, 39254, 39263, 39301, 39302, 39307, 39317, 39338 AND
39393 OF 2018

COMMON ORDER

Since the issue involved in these writ petitions is common, they are also heard analogously and are being disposed of by this common order.

In pursuance of the directions of this court in W.P.No.10590 of 2018 dated 02.05.2018, 4th respondent issued notices to the petitioners to stop cultivation in the subject lands. Aggrieved by the same, the present writ petitions have been filed.

From the material on record, it could be seen that petitioners have been doing prawn culture in the subject lands. Government acquired the said lands along with other lands, for Vanpic Projects Private Limited, in the year 2007, but possession remained with the petitioners and they continued with their activity. When the 4th respondent – Tahsildar, with the assistant of the 5th respondent – Station House Officer, sought to evict the petitioners, they filed W.P.No.10590 of 2018 and this court by order dated 02.04.2018 disposed of writ petition with the following direction:

“6. Having regard to the this submission, the writ petition is disposed of directing the petitioners to file affidavits within a period of ten days from the date of receipt of copy of this order, before the Revenue Divisional Officer, Tenali, Guntur District (3rd respondent), undertaking to vacate the subject lands after completion of the present pisciculture activity; and thereafter they will not be encroaching into the lands or undertake any cultivation. If any such undertaking is filed within the time stipulated, the 3rd respondent shall permit the petitioners to reap the benefits of pisciculture activity undertaken by them in the subject lands and not to disturb them from the next five months from today. Petitioners shall vacate the lands after completion of the present pisciculture activity and they are not entitled to be in possession, after five months from today. If no such undertaking is filed within the time granted, the RDO is at liberty to take further action as warranted by law.”

In pursuance of the above directions of this court, after completion of five months, which was the time allowed by this court to the petitioners to reap the benefits of pisciculture activity undertaken by them in the subject lands, the 4th respondent – Tahsildar / Mandal Revenue Officer, issued the impugned notices to stop the cultivation. Aggrieved by the said notices and alleging that the 4th respondent is interfering with the farming activity of the petitioners in the subject lands with the assistance of the 5th respondent – Station House Officer, the present writ petitions have been filed.

Learned counsel for the petitioners would submit that petitioners have been doing prawn culture in the subject lands for the past more than 20-25 years and even after acquiring of the land by the Government for Vanpic Projects Pvt. Ltd., in the year 2007, the possession remained with the petitioners and they continued their avocation and this court in the earlier writ petition filed by the petitioners in W.P.No.10590 of 2018 dated 02.04.2018 permitted them to continue their activity for the next five months. He submits that neither the Government, nor the Vanpic Company, is contemplating to develop the subject land and if the land is left fallow, no purpose would be served. As the petitioners have made investments, made representation dated 4.10.2018 to permit them to continue for a further period of six months to complete this season of farming of prawns. But the respondents have not considered their representation and are seeking to evict them. Therefore, the learned counsel seeks for a direction to the respondents to permit the petitioners to remain in possession for a further period of six months.

Learned Assistant Government Pleader for Revenue submits that when the petitioners were sought to be evicted, earlier they filed writ petition

and in pursuance of the directions of this court, they remained in possession for a period of five months from the date of the order and as per the directions of this court, after expiry of the said period, they were issued with impugned notices to stop cultivation. After availing the period allowed by this court, again filing the present writ petitions, for the very same relief, is not maintainable.

From the above facts and circumstances, it could be seen that when the petitioners were sought to be evicted, they filed writ petition and this court, as per the directions extracted above, permitted them to reap the benefits of their activity in the subject land and the respondents were directed not to disturb them for the next five months from the date of the order. This court also directed them to file affidavits undertaking to vacate the subject lands after completion of present pisciculture activity and petitioners accordingly filed undertakings and they were permitted to reap the benefits for a period of five months. As the said period expired, impugned notices were issued to stop cultivation. In the earlier writ petition, this court has categorically directed that petitioners shall vacate the lands after completion of the present pisciculture activity and they are not entitled to be in possession, after five months from the date of the order. In these circumstances, petitioners cannot file the present writ petitions seeking for extension of the period, on the ground that the lands are not being put to use for the purpose, for which they were acquired. It is to be noticed that the Government having acquired the land, have to utilize the same in accordance with law and the petitioners having obtained an order from this court to remain in possession for a period of five months from the date of the order, and after successfully availing the said period and also having given an undertaking to vacate after the said

period, cannot file writ petitions seeking for extension of the period granted in the earlier writ petition, and the relief sought for by the petitioners, cannot be granted.

However, having regard to the facts and circumstances of the case, writ petitions are disposed of leaving it open to the petitioners either to seek for extension of period granted in the earlier writ petition, or to approach the Government by way of fresh representation, and in which event it is for the competent authority to consider the same in accordance with law.

Interlocutory applications pending, if any, shall stand closed. No costs.

DATE: 01—11—2018

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A. RAJASHEKER REDDY, J