

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.46310 of 2018

ORDER:

The case of the petitioner is that he filed a suit against the Government and others for declaration stating that he is the owner and possessor of B-schedule property mentioned in O.S.No.60 of 1968 on the file of Additional Sub-Judge Court, Tirupathi and sought for declaration that his right of ownership in the tank and also for restraining the Government and its sub-ordinate officials not to destroy the kunta land by proposing to give the land for assignment to any parties and also sought for direction not to obstruct his right to draw the water from the tank to irrigate his lands mentioned in B-schedule property. The said suit was dismissed on 24-04-1985 and the petitioner preferred an appeal in A.S.No.80/1986 before the Court of II Additional District Judge, Chittoor. The said appeal was allowed on 11-07-1991 holding that the petitioner has no title in the schedule Kunta, but however held that he has established his right to draw water from the tank for irrigating his lands and granted injunction against respondents and all its officers in altering the physical features and diminishing the water in the tank by permanent injunction. Even then, respondents 2 and 3, even though the land in Sy.No.66/1 is entered as Kunta

Poramboke belongs to Government during the subsistence of permanent injunction wants to level the kunta depriving the petitioner and others from drawing water. It is also stated that respondents 2 and 3 are planning to make preparations to assign the kunta in Sy.No.66/1 by leveling the same to third parties without following due process of law. Hence, the present writ petition is filed.

Learned Assistant Government Pleader for Revenue produced written instructions stating that as per Fair Adangal of Kakavedu Village of Sy.No.66/1 measuring an extent of A.6-54 cents is classified as “Vakkanamma Gunta” and the other Sy.No.66/2 to 66/6 are patta lands. There is no proposal to change the physical features and diminishing the water in the said Gunta. As the said land is objectionable one, they are not issuing any house site patta in the writ schedule land. The petitioner has stated that the writ schedule land in Sy.No.66/1 classified as Gunta is covering to his lands and drawing water for irrigation of his fields. The writ schedule land is still classified as Gunta, the adjacent farmers are having right to draw the water for irrigation to their lands. Hence, the respondents are not trying to change the physical features and diminishing the water to the said Gunta as averred by the petitioner.

In view of the same, recording the same, the writ petition is disposed of.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

20-12-2018
Nvl



