

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 72 of 2015

ORDER:

Apprehending dispossession from the lands which are under their cultivation, this writ petition is filed.

2. The case of the petitioners, in brief, is that they are in possession of lands admeasuring Ac.0-20 cents each in Survey No.79/2 of Penamalur village and Mandal, Krishna district, for more than four decades now and the respondent authorities are threatening to dispossess them without following due process of law.

3. Heard both sides.

4. Notice was ordered in this matter on 07.01.2015, and the learned Assistant Government Pleader was asked to verify the veracity of the averments.

5. Today, the learned Assistant Government Pleader submits that the petitioners were granted "Ek Saal lease" (One Year lease) for cultivation, and the said lease was extended from time to time; and in fact, on each occasion, it is only on an application and considering the entitlement, the lease was extended. He points out that the writ petitioners themselves had admitted in their representations that the land was granted on "Ek Saal" lease for cultivation and the same was extended on year-to-year basis.

6. Considering the rival submissions and in the absence of a specific policy or a specific right conferred by the Statute, a direction cannot be given to the respondent authorities to grant permanent rights to the petitioners over the lands in question. However, in view of the fact that the petitioners are solely dependent on cultivation of the lands given to them on lease, their case requires consideration in terms of the schemes/policies which are devised by the Government from time to time. Considering the fact that the petitioners are admittedly agriculturists and are admittedly in possession and enjoyment of the

lands over a long period and also raised crops, till such time they harvest the present season crops, their possession shall not be disturbed. However, it is open to the petitioners to make an application to the respondent authorities seeking renewal of the lease; and as and when such an application is made, the respondents shall consider the same and pass appropriate orders, in accordance with law.

With the above observation, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

25th February, 2015

ksm