

**THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA**

**AND**

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION (PIL) No.40 of 2020**

**ORDER:** *(Per the Hon'ble the Chief Justice Satish Chandra Sh)*

The present writ petition (public interest litigation) has been filed by the petitioner stating that the Government land, admeasuring Acs.80.00, in Survey Nos.307, 540 and 541 situated at Pedaveedu Village, Mattampally Mandal, Suryapet District, has been encroached by respondent Nos.6 to 8 and is being sold to other persons. It has been stated that the State Government is not doing anything in the matter in respect of valuable land.

A detailed and exhaustive counter affidavit has been filed on behalf of respondent Nos.1 to 5. The counter affidavit reveals that the land admeasuring Ac.45.33 guntas in Survey No.540, which as per the allegation in the writ petition is encroached by M/s. Kamakshi Cements, was in fact assigned in favour of 25 beneficiaries and those beneficiaries have surrendered their rights in respect of the land on the ground that the land is not fit for cultivation. The Tahsildar, Mattampally, accepted their surrender vide order dated 30.09.2008 and their pattas were also cancelled. It has further been stated that the then Revenue Inspector was directed by the

Tahsildar to hand over the possession of the said land to M/s. Kamakshi Cements Ltd. and it was accordingly handed over under a panchanama. The counter affidavit further reveals that the action initiated by the Tahsildar was found to be contrary to the rules and now the State Government has resumed the possession of the entire land admeasuring Ac.45.33 guntas in Survey No.540 under the provisions of the A.P. Assigned Lands (POT) Act, 1977. The counter affidavit further reveals that certain villagers have later on encroached the aforesaid land and have obtained pattadar pass books in the year 2008. Action was initiated against those encroachers also and the Revenue Divisional Officer, Kodad, has initiated proceedings dated 15.06.2020 to take possession of the land in accordance with law.

Therefore, in respect of the aforesaid fact, which relates to encroachers, Bhukya Devuji S/o. Sangya, Bhukya Saidulu S/o. Bhichya, Bhukya Pulsingh S/o. Lakupathi, Ajmeera Srinu S/o. Hunya and Ajmeera Saidulu S/o. Hunya, the respondents shall conclude the proceedings at an early date. It is made clear that the State Government shall not transfer the land to any person without following due process of law i.e., either by way of auction, or by way of tender, or by way of any transparent procedure.

In respect of land in Survey No.541 of Pedaveedu Village, it has been stated in the counter affidavit that it is a Government land. It has also been stated that a list of Government lands, which includes the land in Survey No.541, has been communicated to the Sub-Registrar, Huzurnagar, not to register any sale deed in respect of those lands. However, one Smt. Rathikindi Laxmamma has sold the land to Mr. Bandi Raghava Reddy to an extent of Ac.4.23 guntas in Survey No.541, which was assigned to her vide document No.3346/2010 dated 17.09.2010 and document No.3775/2010 dated 10.11.2010 in favour of third parties. The purchaser Bandi Raghava Reddy S/o. Narsi Reddy is in possession of the land and action has been initiated against the purchaser in respect of the land admeasuring Ac.4.23 guntas in Survey No.541 of Pedaveedu Village, Mattampally Mandal, Suryapet District, which is a Government land. Therefore, the respondents are directed to conclude the proceedings positively within three months from today in respect of the aforesaid land.

It has also been stated in the counter affidavit that certain lands were assigned in favour of Gundla Somiga S/o. Ramiga and Vemula Padma W/o. Subba Rao under the freedom fighter category and they have alienated the land in different locations and boundaries contrary to the boundaries mentioned in their

certificates. The lands were alienated in favour of some realtors and action has been taken in the matter by the State Government and now they are under the control of the Revenue Department.

It has been further stated in the counter affidavit that the land in Survey No.307 to an extent of Ac.3.18 guntas and Ac.13.20 guntas in Survey No.288 of Pedaveedu Village was encroached by M/s. Sagar Cements. It has been stated that land to an extent of Ac.0.34 guntas and Ac.2.24 guntas in Survey No.307 was assigned in favour of Redapangu Janu S/o. Saidaiah and Ac.2.24 guntas in favour of Redapangu Bhiksham S/o. Gopaiah by the Tahsildar, Huzurnagar, under ceiling lands. The assignees expired and the lands were transferred in favour of their wives. The said lands were alienated later on in favour of Sammidi Aruna and Sammidi Anand Reddy vide registered document No.1351/1998 14.09.1998 and document No.198/2001 dated 25.01.2001. The matter was enquired by the Tahsildar, Mattampalli, and the lands were resumed vide order dated 17.06.2013 under the provisions of A.P. Assigned Lands (POT) Act, 1977 and now the same is vacant. However, on appeal the Revenue Divisional Officer, Miryalaguda, has passed an order dated 19.07.2014

stating that the resumed land is covered with mines and minerals and has been leased out on 13.3.2008.

Meaning thereby, the State has certainly taken action in the matter. Therefore, in the considered opinion of this Court, as the Government land has to be protected by the State, the State is directed to ensure that no further encroachment takes place over the Government land and the Government land is not transferred to any person without following due process of law.

With the aforesaid, the writ petition (public interest litigation) disposed of.

Pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

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**SATISH CHANDRA SHARMA, CJ**

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**ABHINAND KUMAR SHAVILI, J**

16.03.2022  
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