

**IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)**

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 33356 OF 2023

Between:

Chillakuru Mohan Reddy, S/o Muni Reddy, Aged about 40 years, Occ:
Agriculturist, R/o Arlapadu Village, Tellakuru Mandal, Tirupathi District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rept. by Principal Secretary, Revenue Department, Secretariat, Velagapudi, Amaravathi, Guntur District
2. The District Collector, Tirupathi District, Tirupathi.
3. The Revenue Divisional Officer, Sullurupeta Revenue Division, Sullurupeta, Tirupathi District.
4. The Tahsildar, Pellakur Mandal, Pellakur, Tirupathi District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ order or direction more particularly one in the nature of Writ of Mandamus questioning the in action of Respondents in not restoring the water Tank and Grazing lands to an extent admeasuring of Ac.58.40 Cents in Sy. No.327, Ac.27.60 Cents in Sy. No.327, Ac.1.02 Cents in Sy. No. 294/2, of Arlapadu Village, Tellakuru Mandal, Tirupathi District, as illegal, arbitrary and violation of Sec.2 of A.P. Encroachment Act and BSO-15 and consequently direct the Respondents to restore the grazing lands in Sy. No. 326 and 327 of Arlapadu Village, Tellakuru Mandal, Tirupathi District.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondents to consider the Complaint/Representation of the Petitioner dt. 19-06-2023.

Counsel for the Petitioner: SRI HARINATH REDDY SOMA

Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

The Court made the following: ORDER

HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

Writ Petition No.33356 of 2023

Order:

The short grievance of the petitioner is non-consideration of his representation so made in Spandana programme on 19.06.2023 for restoration of grazing lands in Survey Nos.294/2, 326 and 327 of Arlapadu village, Tellakuru Madnal, Tirupathi district, to enable the petitioner as well as other villagers to avail the grazing lands for feeding their cattle.

2. Heard Sri P.D. Phani Kumar, learned counsel, representing Sri Harinath Reddy Soma, learned counsel for the petitioner, and learned Assistant Government Pleader for Revenue.

3. Learned counsel for the petitioner, in elaboration to what has been stated in the affidavit contended that, the lands in Survey Nos.326 and 327 are classified as 'grazing lands' and are being utilized by the petitioner's ancestors for ages and now the said lands are under encroachment for which a grievance has been raised in Spandana programme on 19.06.2023. So far, the authorities have not passed any orders and, in view of the same, the present Writ Petition is filed and prayed to pass appropriate orders.

4. On the other hand, learned Assistant Government Pleader for Revenue, on written instructions dated 28.12.2023, contended that the subject lands were already converted into assessed waste lands and issued DKT pattas and also incorporated their names and pattadar passbooks also issued and the said assignees are enjoying the lands by raising crops. This was happened way back in the year 1980 and on the petitioner's complaint, the authorities have already issued an endorsement informing about the same. In spite of it, the present Writ Petition is filed, as such there remains nothing for adjudication and the Writ Petition is liable to be dismissed.

5. In response to the same, Sri P.D. Phani Kumar contended that the endorsement was already placed before this Court in the Writ Petition, but no orders have been passed by the authorities except the endorsement and unless orders are passed the petitioner will not be in a position to know where he stands legally. As such mere passing of endorsement is not sufficient.

6. Perused the record.

7. It is not in dispute that the petitioner raised a grievance in Spandana programme on 19.06.2023 and thereby requested the revenue authorities to restore back the grazing lands which are

situated in Survey Nos.326 and 327 of Arlapadu village. The revenue authorities, instead of passing a detailed speaking order, issued an endorsement dated 18.08.2023 and the said fact is also not in dispute. A perusal of the said endorsement goes to show that the subject lands have been altered as "Anadheena" and DKT pattas have been issued to the beneficiaries and the said pattadars are cultivating the lands. The petitioner now, without questioning the same, has filed the present Writ Petition. The contention of the petitioner is that until and then a reasoned order is passed duly informing about the conversion proceedings said to have been done way back in the year 1980, the petitioner cannot question the said endorsement. Until and then the said material is given to the petitioner and the particulars of the conversion, the petitioner cannot question the same.

8. At this length of time, learned counsel for the petitioner has brought to the notice of this Court that the petitioner has asked under Right to Information Act to furnish the particulars of the assignees, who are said to have been given pattas, for which the authorities have stated that those particulars are not available and feeling aggrieved thereby the petitioner preferred an appeal before the Commissioner and the same is pending consideration.

9. In view of these facts and circumstances of the case, the petitioner either has to question the endorsement dated 18.08.2023 or await information from the appellate authority under the Right to Information Act. This Court cannot adjudicate the grievance of the petitioner in the present Writ Petition.

10. Accordingly, the Writ Petition is disposed of granting liberty to the petitioner to question the endorsement dated 18.08.2023, if he so desires, after getting information from the appellate authority under the Right to Information Act. There shall be no order as to costs.

As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

//TRUE COPY//

Sd/- K SRINIVASARAJU
ASSISTANT REGISTRAR

N. Srinivasaraju
SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Guntur District
2. The District Collector, Tirupathi District, Tirupathi.
3. The Revenue Divisional Officer, Sullurupeta Revenue Division, Sullurupeta, Tirupathi District.
4. The Tahsildar, Pellakur Mandal, Pellakur, Tirupathi District.
5. One CC to Sri Harinath Reddy Soma, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
7. Three CD Copies.

ssb

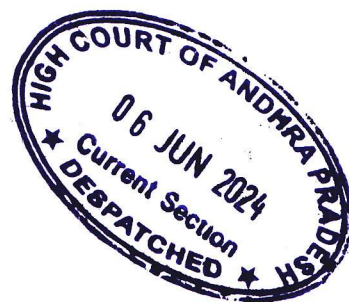
Madhu

HIGH COURT

DATED:29/12/2023

ORDER

WP.No.33356 of 2023



DISPOSING OF THE W.P. WITHOUT COSTS

36
27/5/24