

THE HON'BLE SRI JUSTICE GODA RAGHURAM

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W.P. No. 22401 of 2002

Dated. 20-01-2011

Between:

Ippili Appa Rao

...Petitioner

Vs.

District Collector, Srikakulam District,
Srikakulam and another.

...Respondents

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THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 22401 of 2002

ORAL ORDER:

A direction to the respondents to consider the petitioner's representations dated 18-10-2001 and 14-03-2002 for assignment of patta in respect of un-surveyed lands, which were reclaimed in the year 1935, within the revenue limits of Mufusvandar and Ippili villages in Srikakulam Mandal, is the relief sought in this writ petition.

The 2nd respondent has filed a counter affidavit stating that the land in question is un-surveyed portion of land belonging to the Government which the petitioner is trying to encroach upon. The petitioner's father was evicted from the land in question twice in 1977 and 1981 under the provisions of the Andhra Pradesh Land Encroachment Act. The petitioner filed two suits in the year 1981, both were dismissed. Therefore, the question of continuous possession and enjoyment of the petitioner of the casuarina tope in the land in question from 1935 does not arise. It is further stated that the land in question is a Government land on the sea coast covered by CRZ-III. Earlier, the petitioner filed O.S.No. 254 of 1981 and 255 of 1981 aggrieved by the action of the State in trying to evict him from encroachment. Both the suits were dismissed with costs as the petitioner failed to establish his title over the suit schedule property. Aggrieved by the decision of the trial Court in the above suits, the petitioner unsuccessfully filed first appeals being A.S.Nos. 66 of 1989 and 67 of 1989. Thereafter he filed S.A.Nos. 180 and 181 of 1994 which were also dismissed by this Court on

03-07-2002 recording that the defendant—State is true owner of the suit schedule property and the petitioner or his father never acquired title thereto by adverse possession or otherwise. There is no legal basis for the petitioner's claim to assignment of patta in respect of the land in question. The disputed land being within CRZ-III area is prohibited from assignment.

No subsequent pleading is filed by the petitioner in rebuttal of the averments in the counter affidavit.

The petitioner does not establish any right, title or entitlement or the authority of any legal instrument for claiming assignment. In the circumstances the writ petition being misconceived is dismissed. No costs.

JUSTICE GODA

RAGHURAM

Dated: 20-01-2011

Pvks/*

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