

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 25200 of 2004

Between:

- 1 Vinti Pallam Raju, S/o.Venkata Raidu,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 2 Adapa Raghavamma, W/o.Nancha Rao,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 3 Inti Venkata Lakshmi, W/o.Venkamma,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 4 Ummidi vigneswarlu, S/o.Dharma Raju
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 5 Ummidi Dhrama raju, S/o.satyanarayana,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 6 Gollakoti Veeranna, S/o.Veeraju,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 7 Gollakoti Sathi Raju, S/o.Veera Raju
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 8 Yerramsetti Venkat Ratnam, S/o.Swami Naidu,

- Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 9 Yerramsetti Satyanarayana, S/o.Swami Naidu,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
 - 10 Gangumalla Nageswara Rao, S/o.Musalaiah,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
 - 11 Mariseti Durga Rao, S/o.Rama Murthy,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
 - 12 Gangumalla Gangaiah, S/o.Tathabbai,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
 - 13 Polisetti Veera raju, S/o.Veeramma,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
 - 14 Tuttupa Doraiah, S/o.Ramudu,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
 - 15 Vinti Rama Rao, S/o.Suranna,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
 - 16 Nandikolla Verriah, S/o.Rama Swamy,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
 - 17 Nandikotla chandra Rao, S/o.Rama Swamy,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
 - 18 Mariseti Swaminaidu, S/o.Macharaiah,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
 - 19 Allapalli Sessa Rao, S/o.Satyam,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
 - 20 Meka Satyanarayana, S/o.Chandraiah,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
 - 21 Dangeti Punam Raju, S/o.Pattabhi,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.

- 22 Sunkara Surya Rao, S/o.Venkanna,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 23 Subramanyam, S/o.Venkat Rao,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 24 Adapa Raghava, S/o.Ramamurthy,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 25 Chikala Raju, S/o.Chandraiah,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 26 Tuttupu Buraiah, S/o.Satyanarayana,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 27 Surapa Reddy Venkateswara Rao, S/o.Sri
Ramachandramurthy, Korumilli Village,
Kapeleaswarapuram Mandal,
East Godavari Dist.
- 28 Kondamuri Suribabu, S/o.Rama Rao,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 29 Nandikolla Veramanesu, S/o.Ramaswamy,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 30 Motupalli Nagamani, W/o.Verraiah,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 31 Tuttupu Satyalu, S/o.Satyam,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 32 Dangeti Raju, S/o.Bulisatyalu,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 33 Meka Ramudu, S/o.Sattiyya,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 34 Dangeti Lakshmi, W/o.Veera Raju,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 35 Pulimi Lakshmanna, S/o.Veeranna,
Korumilli Village, Kapeleaswarapuram Mandal,

East Godavari Dist.

- 36 Vinti Nageswara Rao, S/o.Krishna Murthy,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 37 Chikatla Machar Rao, S/o.Raju,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 38 Vinti Srinu, S/o.Veera Raju,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 39 Sunkara Anjaneyulu, S/o.Rama Murthy,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 40 Gangumalla Sri Rama Krishna, S/o.Satyam,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 41 Adapa Bhaskara Rao, S/o.Rama Swamy,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 42 Inti Govinda Raju, S/o.Ramudu,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 43 Gangumalla Venkanna, S/o.Chandra Rao,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 44 Kotipalli Satyanarayana, S/o.Vigneswarulu,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 45 Yerrasetti Adiyya, S/o.Pullaiiah,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 46 Nandikolla Subramanyam, S/o.Rayudu,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 47 Kolapalli Lakshmanna, S/o.Ganga Raju,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 48 Yelugubanti Yesudas, S/o.Subba Rao,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 49 Pilli Rambabu, S/o.Subba Rao,

- Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 50 Duipudi Raghava, S/o.Narasimha,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 51 Motipalli Dorababu S/o Pallaiah
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 52 Gangumalla Srinu S/o Krishnayya
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 53 Chikatla Satyanarayana S/o Chandra Rao
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 54 Tuttapu Subba Rao S/o Veera Raju
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 55 Allapalli Trimurthrulu S/o Subba Rao
W/o.Nancha Rao,
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 56 Gangumalla Venkanna S/o Raju
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 57 Meka Venkanna S/o Bhushanam
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 58 Meka Nageswara Rao S/o Satti Raju
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 59 Tuttupa Ramaswamy S/o Veera Raju
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 60 Bezawda Venkanna S/o Rudrayya
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 61 Gangumalla Veeranna S/o Satyam
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 62 Nandikolla Satyam S/o Rama Swamy
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 63 Suravarapu Satti Babu S/o Venkat Rao
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 64 Vinti Satyanarayana S/o Suranna

- Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 65 Yerramsetty Somanna S/o narayana Murthy
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 66 Yerramsetti Ramudu S/o narayana Murthy
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 67 Tuttupi Govind S/o Venkanna
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 68 Maka Subadra S/o Sattiyya
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 69 Kolapalli Subba Rao S/o Rama Satyam
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 70 Kolapalli Sita Ramudu S/o Subbaiah
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 71 Mariseti Govindu S/o Rattalu
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 72 Tuttupu VEnkateswara Rao S/o Bhushanam
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 73 Sunkara Gopala Krishna S/o Satyam
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 74 Penke Subba Rao S/o Ganiyya
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 75 Dangeti Satyanarayana S/o Peddabbai
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 76 Chuppana Satyanarayana S/o Janaki Rao
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 77 Yerramsetti Gollaiah S/o Raju
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 78 Yerramsetti Chandra Rao S/o Narasaimha
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 79 Yerramsetti Venkateswara Rao S/o Narasimha Murthy
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 80 Tadala Srinivas S/o Anjaneyulu
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 81 Tuttupu Satyanarayana S/o Bhushanam

- Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 82 Gangumalla Machar Rao S/o Sarvaraidu
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 83 Samireddy Sri Rama Murthy S/o Kriahna Murthy
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 84 Bandalu Sattaiah S/o Sundaram
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 85 Marisetti Macharaiah S/o Swamy Naidu
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 86 Tuttupu Satyanarayna S/o Veera Raju
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 87 Polisetti Srinu S/o Venkanna
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 88 Vinti Rambabu S/o Hanumanth
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 89 Vinti Hanumanth S/o Seetha Ramaiah
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 90 Bezwada Annavaram S/o Rudraiah
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 91 Marisetti Rattalu S/o Suranna
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 92 Gangumalla Venkat Rao S/o Suranna
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 93 Intichina Veeranna S/o hanumanth
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 94 Marisetti Buraiah S/o Pattbhiramayya
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 95 Vinti Veerabadram S/o Hanumanth
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 96 Nandikolla Srinu S/o Satyam
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 97 Gangumalla Surya Narayana
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 98 Vinti Venkat Durga Prasad, S/o Pallam Raju

- Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 99 Vinti Badram S/o Kedayya
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 100 Gangumalla Doraiah S/o narasaiah
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 101 Smt. Motupalli Satyanandam W/o Janaki Ramayya
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 102 Motupalli Pattabhi Ramayya S/o Bhapai Raju
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 103 Gangumalla Venkataswara Rao S/o Narasimha Murthy
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 104 Ummidi Satyanarayana S/o Satyam
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 105 Mariseti Satyanarayana S/o Dharama Raju
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 106 Sunkara Adinarayana S/o Naidu
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 107 Sunkara Atcha Rao S/o Naidu
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 108 Gangumalla Lakshmana Swamy S/o Narasimha Murthy
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 109 Ummidi Annavaram S/o Surya Chanra Rao
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 110 Kolapalli Sairam S/o Krishna Murthy
Korumilli Village, Kapeleaswarapuram Mandal,

East Godavari Dist.
- 111 Surapareddy Venkateswara Rao S/o Trimurthulu
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 112 Gangumalla Doraiah S/o Satyam
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.
- 113 Bezwada Ramanamma W/o Rudraiah
Korumilli Village, Kapeleaswarapuram Mandal,
East Godavari Dist.

..... PETITIONER(S)

AND

- 1 The District Collector and Executive Magistrate, East Godavari District at Kakinada
- 2 The Sub-Collector, Rajahmundry, East Godavari District
- 3 The Mandal Revenue Officer, Kapeleswarapuram, East Godavari district

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Writ order more in the nature of Mandamus declaring that the petitioners are entitled for assignment of land in Sy. No. 455 and 672 situated at Addinakivarilanka of Korumilli village, Kapeleswarapuram Mandal in terms of the orders passed by the 1st respondent vide Ref. No. E1/6115/1992 dt 6-11-1993 and its consequential orders Ref. No. B/879/92 dt 11-11-1993 of the 3rd respondent by taking into consideration of the fact that the petitioners are landless poor, agriculture labourers and they are doing agriculture operations lawfully in terms of the proceedings of the 1st and 3rd respondents right from 1993 for their livelihood and consequently declare that the action of the 3rd respondent in trying to dispossess the petitioners from their respective assigned land (leased Lands) though the petitioners have obtained assignment orders from the then MRO in terms of the orders passed by the District Collector vide Ref. No. E1/6115/1992 dt 6-11-1993 is highly illegal, arbitrary, discriminatory without following the due process of law and violative of Articles 14, and 21 of the Constitution of India apart from against the principles of natural justice and further declare that the petitioners are entitled to continue in possession in their respective assigned lands till the grant is made in their favour by the 1st respondent and pass such order or orders.

Counsel for the Petitioners: MR.K.SATYANARYANA MURTHY

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court made the following:

THE HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.25200 OF 2004

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for the respondents and with their consent the writ petition itself is disposed of at the stage of admission.

This writ petition is filed seeking a writ of *Mandamus* declaring that the petitioners are entitled for the assignment of lanka lands in survey Nos.455 and 672, situated at Addankivarilanka of Korumilli village, Kapeleswarapuram Mandal and to declare the action of the 3rd respondent in trying to dispossess the petitioners from their respective assigned lands (leased lands) as highly illegal, arbitrary and discriminatory.

The case of the petitioners is that they are the landless poor persons and agricultural labours. They developed the Lanka land and made it fit for cultivation and they are cultivating the same from 1990. The petitioners made a representation to the 1st respondent-District Collector for assignment of the said lands. Pursuant to the representation made by the petitioners, the 1st respondent *vide* reference No.E1/6115/1992, dated 06.11.1993 directed the

3rd respondent-Mandal Revenue Officer to assign the said lands, situated in survey No.455 and 672 of Addankavari lanka of Korumilli village, in favour of the petitioners. Accordingly, the 3rd respondent assigned 50 or 100 cents of land for 1403 Fasli, in favour of the each of the petitioners on lease basis vide proceedings Rc.No.B/879/92, dated 11.11.1993. By virtue of the same, the petitioners have been in possession of the said lands for the last more than 12 years and they are cultivating the same. The grievance of the petitioners is that the 3rd respondent is trying to evict them from the assigned lands in collusion with the ruling party M.L.A. without issuing any notice.

It is contended by the learned counsel for the petitioners that the lease was granted in favour of the petitioners and they are in possession of the property. The petitioners

are regularly paying the revenue tax. The 3rd respondent is trying to dispossess the petitioners without any notice as required and without following the prescribed procedure.

Taking over possession of Government land assigned to the land less poor on lease basis, shall only be after following the due process of law, in that, notice shall be issued and opportunity of hearing shall be given to the persons who are in possession of such land. Inasmuch as it is not known whether the lease alleged to have been granted for one year i.e. for fasli 1403 in favour of the petitioners with respect to the lands in question is extended or not, and having regard to the fact that the petitioners claim to have continued in possession of the land for the last more than 12 years, I deem it appropriate to dispose of the writ petition in the following terms:

The respondents shall conduct an enquiry as to whether the lease in favour of the petitioners is extended and whether the petitioners are in possession of their respective extents of the land, and provide an opportunity of hearing to the petitioners and pass appropriate orders in accordance with law. Till such exercise is undertaken, the respondents shall not dispossess the petitioners from the land. If the respondents have already conducted enquiry and followed the due process of law in the matter, they are liberty to take consequential steps in accordance with the decision they have taken.

Accordingly, the writ petition is disposed of at the stage of admission.

31.12.2004

Mdaa.

To

- 1 The District Collector and Executive Magistrate,
East Godavari District at kakinada
- 2 The Sub- Collector, Rajahmundry, East Godavari District
- 3 The Mandal Revenue Officer, Kapeleswarapuram, East
Godavari district

4.2CCs to

5.2CD copies