IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATHI

W.P.NO. OF 2023

Between:

01. Prathipati Venkataramana,

S/o. Late Pedda Thirupathi,

Age about 50 years

02. Ch. Lajarumani,

D/o. Late Pedda Samuelu,

Age about 45 years

03. Gutla Laxmi,

W/o. Raju,

Age about 45 years,

04. Ch. Lalitha,

W/o. Siluva raju,

Age about 40 years

05. K. Vinod Kumar,

S/o. Venkatesh,

Age about 52 years.

06. Daram Subba Laxmi,

W/o. Late Nagaraju,

Age about 50 years.

07. Mandapati Chittibabu,

S/o Late Venkatesh,

Age about 42 years,

08. K. Rama Krishna,

S/o. Late K. Chandra Rao,

Age about 40 years

09. Boddu Pethulu,

S/o. Late Yakobu,

Age about 62 years

10. Bonthu Samsonu,

S/o. Late Ratnam,

Age about 59 years

11. Daram Laxmaiah,

S/o. Late Venkatarathnam,

Age about 42 years

12. Daram Devamatha,

W/o. Appalaswami,

Age about 40 years.

13. Chamallamudi Raju,

S/o. Late Chinna Samuelu,

Age about 50 years.

14. Chamallamudi Vijaya Kumari,

W/o. Late Yesudasu,

Age about 48 years

15. Chamallamudi Pavani,

W/o. Prasangi,

Age about 28 years.

All the above Petitioners 1 to 37 are residents of

Dosapadu Village, Denduluru Mandal,

Eluru District, Andhra Pradesh having

Agriculture work as occupation

.……. Petitioners

AND

01. The State of Andhra Pradesh,

Rep. by its Principal Secretary,

Revenue (L.A & J.A) Department

A.P. Secretariat buildings,

Amaravathi, Guntur District

02. Chief Commissioner of Land Administration,

And Spl. Chief Secretary,

APIIC Towers, IT Park, Mangalagiri -522503,

Guntur District.

03. The District Collector

Eluru District, Eluru.

04. The Joint Collector

And competent authority,

Eluru District, Eluru.

05. The Revenue Divisional Officer,

Eluru Division, Eluru,

06. The Tahsildar,

Denduluru Mandal,

Eluru District, Eluru

07. Station House Officer,

Denduluru Police Station,

Denduluru, Eluru District

…..Respondents

**AFFIDAVIT ON BEHALF OF THE PETITIONERS**

I, Prathipati Venkataramana, S/o. Late Pedda Thirupathi, Age about 50 years, Occ: Agriculture work, resident of Dosapadu Village, Denduluru Mandal, Eluru District, Andhra Pradesh, having temporarily come down to Vijayawada, do hereby solemnly affirm and sincerely state on oath as follows:

01. I respectfully submit that I am the 01st petitioner herein and as such I am well acquainted with the facts of the case and deposing this affidavit on behalf of other petitioners as well, as I am authorized to do so.

02. I submit that the present Writ Petition is being filed aggrieved by the inaction of the Respondent authorities, particularly respondents 03 to 06 in conducting enquiry and concluding the proceedings as required under the law, regarding occupationof assigned lands/ceiling surplus lands/government lands in survey numbers 213, 214, 215, 226, 227, 231 etc., of Dosapadu village, Denduluru mandal, Eluru District, despite several representations as well as orders of Lokayuktha. As a result of the said inaction, we, the assignees/legal heirs of assignees/ landless persons of the same village are being deprived of full enjoyment rights over the subject lands and are being subjected to constant harassment and threats by the illegal land grabbers as well as the local police at their instance. If the same is allowed to continue, our rights under Article 14, 19, 21 and 300A stand defeated.

03. I respectfully submit that we are all residents of Dosapadu village and form part of most marginalized sections of the society, majorly depending on wage labour for our livelihood. Given our landless and marginal status, Government had assigned lands to our fathers/grandfathers since 1960’s in various survey numbers of Dosapadu village. Further, some more land from ceiling surplus was also assigned between years 1990 and 2000. With great difficulty, our elders had brought those lands into cultivation. Details of the lands and petitioners are enclosed in a separate annexure in the material papers and may be read as part of this affidavit. Because of living in huts and poor conditions, most of the patta certificates were lost by our elders. Copy of one sample patta and tax receipt is herewith filed for kind reference of this Hon’ble Court.

04. I respectfully submit that between late 1990 and early 2000, manyof the surrounding lands were converted into fish/prawn ponds. As a result, we could not continue cultivation of crops in our assigned lands any further. At that time, our families did not have adequate financial and human resources to take up fish/prawn farming by themselves, as each of our families have very marginal extents of lands. While being so, some non-local persons who are economically and politically influential and who bought nearby lands and converted them into fish/prawn farms, slowly started encroaching into our lands. We have started representing to the authorities to prevent the encroachment and alienation and support us in taking up fish farms by ourselves in our lands. As the authorities did not take any action, some of the assigned land holders approached Hon’ble Lokayuktha. On the directions of the Lokayuktha in the year 2012, the mandal revenue officials conducted enquiry, identified the alienation and took over the possession of the subject assigned lands from the illegal and ineligible encroachers, by conducting panchnama. However, as many of the assignees died and we are legal heirs, we did not receive any notices or given adequate opportunity to represent our case. We were hoping that as per the provisions of the A.P. Assigned lands (POT) Act 1977 and rules therein, the authorities will formally hand over the possession of the said assigned lands to us, i.e original assignees/ legal heirs of original assignees and landless persons. However, no action has been taken till date.

05. I submit that we have been representing to the mandal and district revenue officials to conduct detailed enquiry and hand over the possession of lands back to usas per our eligibility. The officials have been promising of some action from time to time. Finally, we were told that the matter is pending before Joint Collector and Competent authority for deciding on the return of the said alienated assigned lands to the original assignees/legal heirs. However, no details of the said cases are provided to us nor any action is being taken. No notices were issued to us till date by the 04th respondent in any such case alleged to be pending before him, regarding subject assigned lands, though we are the assignees/legal heirs. Patta copies of most of the assigned land holders are not available with them as they were lost. Because of the inaction of the authorities, some vested interests are trying to completelygrab the subject lands and are creating hurdles to our enjoyment of the said lands, though they are to be in the custody of the government. Upon their instance, we are being prevented and harassed by the local police as well. As a result, we are being deprived of the subject assigned lands against the provisions of law and principles of natural justice, causing violation of our rights under Article 14, 19, 21 and 300A.

06. I further submit that, claiming pendency before the 04th respondent, the 05th respondent is not taking any action on our complaints of illegal encroachments and attempts to grab the subject assigned lands. Even the 03rd respondent did not initiate any action on our representations. Instead, we are being harassed and threatened by the local police as well as the henchmen of the land grabbers. If the authorities do not immediately act upon our representations in accordance with law, we will be put to irreparable loss and injury. Hence the urgency for interim relief.

07. I submit that in view of the above, there is no effective alternative remedy available to me other than invoking the extraordinary jurisdiction of this Hon’ble Court under Article 226 of the Constitution of India. I further submit that I have not filed any other writ or application before this Hon’ble Court or any other Court seeking the same relief sought for in this writ petition.

It is therefore prayed that this Hon’ble Court, in the interest of justice, may be pleased to issue a writ, order or direction, more particularly, one in the nature of **WRIT OF MANDAMUS,**declaring that the inaction of the Respondent authorities, particularly respondents 03 to 06 in conducting enquiry and concluding the proceedings as required under the law, regarding illegal occupation/encroachment of assigned lands/ceiling surplus lands/government lands in survey numbers 213, 214, 215, 226, 227, 231 etc., of Dosapadu village, Denduluru mandal, Eluru District, despite several representations as well as orders of Hon’ble Lokayuktha as illegal, unconstitutional and consequently direct the respondent authorities to expeditiously complete the proceedings as required under A.P. Assigned Lands(POT) Act, 1977 with regard to the government assigned lands in Sy.No.213, 214, 215, 226, 227, 231 etc., of Dosapadu village, Denduluru mandal, Eluru District to hand over the lands to the heirs of original assignees and eligible land less poor, like the petitioners and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.

Pending disposal of the writ petition, it is prayed that this Hon’ble Court may be pleased to direct the 03rd and 04th respondents to immediately act upon the representations of the petitioners by issuing notices to all the original assignees/legal heirs, including the petitioners herein, with regard to assigned lands in Sy.No.213, 214, 215, 226, 227, 231 etc., of Dosapadu village, Denduluru mandal, Eluru District in the appeal petitions, if any, pending before the 04th respondent under A.P. Assigned lands (POT) Act, 1977, while not taking any coercive steps against the petitioners with respect to use and enjoyment of subject lands and pass such other order or orders as this Hon’ble Court may deem fit and proper in the interest of justice and equity.

Sworn and signed before me on this

The 18th day of January, 2023

At Vijayawada

**VERIFICATION STATEMENT**

I, Prathipati Venkataramana, S/o. Late Pedda Thirupathi, Age about 50 years, Occ: Agriculture work, resident of Dosapadu Village, Denduluru Mandal, Eluru District, Andhra Pradesh, having temporarily come down to Vijayawada, do state that the contents of the above stated affidavit are read and explained to me and are believed to be true, based on my personal knowledge, material made available to me and the legal advice provided by my counsel.

“Verified on this the 30th day of October, 2022 at Vijayawada”.

COUNSEL FOR THE PETITIONERS DEPONENT

**DISTRICT: WEST GODAVARI**

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI**

**WP. No. OF 2022**

IN

No. OF 20

**APPELLATE SIDE**

On the file of the court of ­­­­­\_\_\_\_\_\_\_\_\_\_\_

**V A K A L A T**

**ACCEPTED**

Filed on: -2022

**Appellant**

**Counsel for Petitioner**

**Respondent**

**P. S.VYAS (18181)**

ADVOCATE

**ADDRESS FOR SERVICE:**

Flat No. 603, 6th Floor, Sri Sai Bhagwathi Towers, HDFC Bank Building, BRTS Road, Gandhi Nagar, Vijayawada – 520003.