
(1995) 09 AP CK 0017

In the Andhra Pradesh High Court

Case No : Writ Petition No. 21323 of 1995

K. Muni Reddy and Others

APPELLANT

Vs

The Mandal Revenue Officer

RESPONDENT

Date of Decision : 22-09-1995

Acts Referred:

Constitution of India, 1950 — Article 21, 226

Citation : (1996) 1 ALT 726 : (1996) 1 ALT 72

Hon'ble Judges : C.V.N. Sastry, J

Bench : Single Bench

Advocate : P.S. Narayana, for the Appellant; Government Pleader, for the Respondent

Judgement

C.V.N. Sastry, J.—Heard both sides.

2. The petitioners, 13 in number, claim that they are landless poor persons eligible for assignment of land under the Assignment Rules. It is stated that they have been in possession and occupation of a total extent of 12 acres in S. No. 119 of Ramanujapalle village Accounts, Thummalagunta Group, Tirupati Rural Mandal, Chittoor District and cultivating the same for more than 20 years having reclaimed the same by spending huge expenditure. Their grievance is that even though they made several representations to the respondent-Mandal Revenue Officer for grant of pattas to them in respect of the lands in their occupation, the Mandal Revenue Officer without considering their request for assignment and without following due process of law as prescribed in the Land Encroachment Act or in B.S.O. 16, has been threatening to evict them-from the lands. It is obvious that eviction of such landless persons from the lands in their occupation will deprive them of their livelihood Article 21 of the Constitution of India ordains that no person shall be deprived of his life or personal liberty except according to procedure established by law. B.S.O. 16 prescribes the procedure for eviction of occupiers who are not eligible for assignment. Likewise, the land Encroachment Act also provides for eviction of unauthorised encroachers from the Government

lands. Eviction of persons in occupation of Government lands without taking recourse to appropriate proceedings in accordance with the procedure prescribed in the said laws, is not permissible.

3. This Writ petition is, therefore, disposed of directing the Mandal Revenue Officer to consider the case of the petitioners for assignment of the lands in their occupation and pass appropriate orders thereon in accordance with law within three months from the date of receipt of this order. If on enquiry it is found that any of the petitioners is/are not eligible for assignment, it will be open to the Mandal Revenue Officer to take steps for evicting them in accordance with law.