

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 25419 of 2009

ORDER:

-

Heard learned counsel for the petitioner and Government Pleader for Revenue.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in interfering with the peaceful possession and enjoyment of 34 coconut trees situated on the southern side of the petitioner's property admeasuring Ac.1.33 ½ cents, situated in R.S.No.232/7 to 9 and 233/4 of Anathavaram Village, Mummidivaram Mandal, East Godavari District, without following due process of law, as illegal, arbitrary and violative of principles of natural justice; and consequently to direct the respondents to drop further proceedings.

The averments in the affidavit filed in support of the writ petition are as under:

The petitioner, claims to be the owner and possessor of land admeasuring Ac.1.33 ½ cents situated in R.s.No.232/7 to 9 and 233/4 of Anathavaram Village, Mummidivaram Mandal, East Godavari District, by virtue of registered gift deed bearing document No.880/2000, dated 21.03.2000. The petitioner states that he has planted 30 coconut trees on the southern side of his land and some trees have been planted by the original owners. He further stated that those trees are situated within the boundaries of his land and there is no encroachment of any private or public property. While things stood thus, the respondents are trying to remove the coconut trees situated in his land without issuing any notice or without initiating any proceedings. On 09.11.2009 the petitioner made a representation before the first respondent to survey the land but without doing so, the first respondent is alleged to have tried to cut the coconut trees. Hence, the writ petition.

No counter is filed by any of the respondents till date.

On 24.11.2009, while admitting the writ petition, this Court directed the respondents not to interfere with the peaceful possession and enjoyment of the petitioner in respect of 34 coconut trees situated on the southern side of the petitioner's property in an extent of Ac.1.33 ½ cents in R.S.No.232/7 to 9 and 233/4

of Anathavaram Village, Mummidivaram Mandal, East Godavari District, without following the due process of law.

Having regard to the circumstances stated above and taking into consideration the interim order dated 24.11.2009, the present writ petition is disposed of directing the respondents not to interfere with the peaceful possession and enjoyment of the petitioner in respect of 34 coconut trees situated on the southern side of the petitioner's property in an extent of Ac.1.33 ½ cents in R.S.No.232/7 to 9 and 233/4 of Anathavaram Village, Mummidivaram Mandal, East Godavari District, without following the due process of law. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

24.11.2015

gkv