

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.18452 of 2009

Date: 18.02.2015

Between:

Kanumuri Appala Raju, S/o. Suryanarayana Raju,
Aged 62 years, r/o.Peddaamiram Village, Kalla
Mandal, West Godavari District.

.. Petitioner

AND

District Collector, Eluru, West Godavari District
and another.

.. Respondents

The Court made the following:

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ORDER:

Alleging that respondents threatening the petitioner to evict from the land in R.S.Nos.268 and 269 of Pedamiram Village, Kalla Mandal, West Godavari district, this writ petition is instituted. Petitioner contends that in the year 1978, Tahsildar granted tree patta in favour of the petitioner vide proceedings dated 16.09.1978 for planting 125 coconut trees in Sy.Nos.268 and 269 of Pedaamiram Village on either side of canal bund. Pursuant to the said patta, petitioner planted coconut plants, plants are grown and he has been in enjoyment of the said plants duly paying the tree tax. Petitioner contends that on 28.08.2009, the Tahsildar, Kalla Mandal along with other persons visited the village, inspected the property in the above survey numbers granted to the petitioner where he planted trees. He threatened the petitioner to evict from the said land. Alleging that such threat was illegal and writ petitioner was not put on notice nor was given opportunity before seeking to evict him, this writ petition is instituted.

2. By order dated 02.09.2009, this Court directed the respondents not to interfere with the peaceful possession and enjoyment of the petitioner in respect of coconut trees grown by him in the above survey numbers.

3. Second respondent filed counter affidavit and sought for vacation of the interim order. Case of the 2nd respondent is that private land was identified for provision of house sites under Social Welfare Land Acquisition Scheme (Indiramma) measuring Ac.10.05 cents in R.S.Nos.162/1 to 4, 163/1,2, 179/3, 180/1, 180/2 and 3 of Pedamiram Village for the purpose of acquisition. Draft declaration was issued. At that stage, W.P.No.2527 of 2009 was instituted. Having regard to the fact that there was a stay granted by this Court and there was immediate need to allocate the land for the purpose of grant of house site pattas to the needy poor people, the Tahsildar conducted survey of other lands available in the village. In that process, only Tahsildar visited the village and inspected various lands including the land in which petitioner claims to have grown coconut trees. However, it is categorically asserted that there is no proposal for eviction and proposal for acquisition of private land under Indiramma Scheme, except the land which is already proposed. It is further asserted that no steps were taken against the petitioner either to acquire his land or to dispossesses him.

4. Having regard to the categorical statement of the 2nd respondent in the counter affidavit filed, there is no cause for the petitioner to apprehend that he would be evicted from the land in R.S.Nos.268 and 269 of Pedamiram village, where he has grown coconut trees without following due process of law. Accordingly, writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions if any pending in the writ petition shall stand closed.

JUSTICE P.NAVEEN RAO

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