

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7584 OF 2015

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ORDER:

Challenging the inaction of the 1st respondent in delaying to grant 'NOC' and "EK SAAL LEASE" in favour of the petitioners to cut and remove their Casuarina (Sarugudu) trees in the Accredited Lanka Lands in an extent of Ac.26.95 cents, Kothapalem hamlet of Brahmasamedhyam, Katrenikona Mandal, East Godavari District, this writ petition is filed.

It is the case of the petitioners that they grew Casuarina trees in the Accredited Lanka Lands in an extent of Ac.26.95 cents, Kothapalem hamlet of Brahmasamedhyam, Katrenikona Mandal, East Godavari District and the 1st respondent vide his proceedings dated 30.11.2013 recommended to the 3rd respondent to grant necessary 'NOC' to the petitioners, but no action is taken by the 3rd respondent so far. Hence, the present writ petition.

Heard Sri S.R. Sanku, learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue.

The learned counsel for the petitioners submits that the petitioners are entitled to be granted "EK SAAL LEASE" for the above said land and inspite of the request of the petitioners, the respondents did not choose to take any action and hence he prays to allow the writ petition.

The learned Assistant Government Pleader for Revenue, placed on record the instructions dated 21.03.2015. In the instructions, it has been stated that there is only Ac.2.67 cents of land available and not Ac.26.95 cents. Even with regard to the said land, there are some disputes between one Dama Gowri Sankar and Malladi Adinarayana and others and there is tense situation prevailing.

In the light of the written instructions furnished by the learned Assistant Government Pleader for Revenue, one thing is clear that the application submitted by the petitioners is pending consideration and the District Collector is the competent authority to pass necessary orders. In that view of the matter, without expressing any opinion with regard to the contention of the petitioners or based on

the instructions furnished by the Tahsildar, interest of justice would be served, if a direction is given to the 2nd respondent-District Collector to consider the claim of the petitioners and pass appropriate orders in accordance with law within a period of eight weeks from today. While passing the orders, the District Collector shall also take due regard to the report submitted by the 1st respondent-Tahsildar on 30.11.2013 and also the observations made by the 3rd respondent-River Conservancy Officer on 05.02.2014

With the above observations, the writ petition is disposed of. Miscellaneous Petitions, if any pending in this writ petition shall stand closed. No order as to costs.

CHALLA KODANDA RAM,J

Date:30.03.2015.

Gk.

HON’BLE SRI JUSTICE CHALLA KODANDA RAM

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