

THE HONOURABLE SRI JUSTICE RAJA ELANGO

W.P.No.32004 of 2015

ORDER

This writ petition is filed seeking to declare the action of respondents in not allowing the petitioners to cut the jam oil trees existing in R.S.No.88/1 to an extent of Acs.5.00 cents and R.S.No.88/2 to an extent of Ac.5.00 cents situated at Rammamagudem village, T. Narasapuram Mandal, West Godavari District, as illegal and arbitrary.

2. Heard learned counsel for petitioner and learned Government Pleader for Social Welfare.

3. The case of petitioners is that in the year 2009, when they approached the ITDA Project Officer, K.R.Puram, for rising jam oil trees in their lands, he included their names in the list of beneficiaries for grant of loan and released loan of Rs.30,000/-for rising jam oil trees with subsidy of Rs.5,000/-each on 16.09.2009 and accordingly, they raised the said trees in their lands. It is the further case of petitioners that when they are trying to cut the said trees, the respondents are not allowing them. Hence, they made a representation to the respondents seeking permission to cut the trees, but no orders thereon have been passed. Hence, the present writ petition is filed.

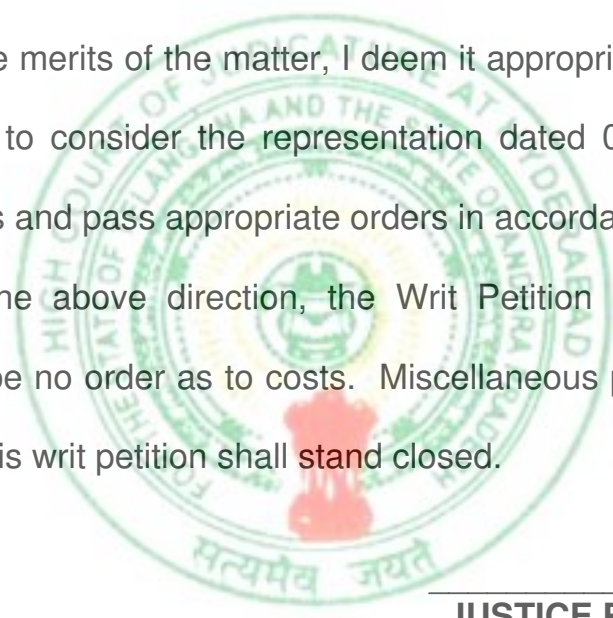
4. Respondent No.2 filed counter stating that as per the revenue records, the petitioners have no title with regard to the aforesaid lands and a civil suit is also pending with regard to title of those lands.

5. Learned counsel for petitioners submits that the representation dated 06.04.2015 filed by petitioners and others is pending consideration and therefore, a direction may be given to the respondents to dispose of the said representation.

6. Learned Government Pleader for Social Welfare submitted that since there are rival claims with regard to subject land, it is not possible for the respondents to grant permission to cut the trees.

7. Considering the facts and circumstances of the case and in view of the submission of learned counsel for petitioners, without going into the merits of the matter, I deem it appropriate to direct the respondents to consider the representation dated 06.04.2015 filed by petitioners and pass appropriate orders in accordance with law.

8. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.



JUSTICE RAJA ELANGO

24th October, 2016

sj