

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 3156 OF 2016

ORDER:

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Heard learned counsel for the petitioner and learned Government Pleader. With the consent of both the parties, the Writ Petition is disposed of at the admission stage itself.

The present Writ Petition came to be filed seeking issuance of *Mandamus* declaring the action of the third respondent in trying to dispossess the petitioner from the land in Survey No.61 admeasuring Acs.2.32 guntas situated at Kesavapuram Village, New Paloncha, Khammam District, without following due process of law as illegal and arbitrary.

The averments in the Writ Petition are that the petitioner who is landless poor person was in occupation of the land in Survey No.61 admeasuring Acs.2.32 guntas situated at Kesavapuram Village, New Paloncha, Khammam District, since three decades. It is stated that originally the said land was occupied by his father. He has been cultivating the same due to old age of his father and that he is in continuous possession and enjoyment of the said land. It is further stated that the Bhadrachalam Paper Board Limited was supplying Eucalyptus plants to the petitioner and when the crop is ripe, the authorities used to cut the trees by paying necessary charges to him. Since there were no facilities to live in the said extent, the petitioner was residing nearby to the said property. As it became very difficult for the petitioner to look after the said property from his residence, he constructed a two room house with asbestos sheet nearby to his crop. In pursuance of the request made by the petitioner for electricity connection, VRO recommended for power supply and a copy of which was also sent to electricity department. As the department

failed to provide electricity connection, the petitioner approached Sarpanch, Somalagudem Gram Panchayat, who also recommended supply of electricity to the house of the petitioner. Thereafter, the Divisional Engineer, TSNPCDL, directed the petitioner to pay the amount for meter connection. After paying the requisite fee, the petitioner was provided with electricity connection. While things stood thus, the third respondent came to the said land and attempted to dispossess the petitioner from the land, without following due process of law. Challenging the action of the respondents, the present Writ Petition came to be filed.

The only grievance of the petitioner is that the petitioner and his father has been cultivating the said land by raising Eucalyptus plants in the said extent of land which were supplied by the Bhadrachalam Paper Board Limited. He submits that he has raised two room house only with a view to protect the plantations raised in the said property. He submits that if the respondents really intend to initiate any action, they should have done the same, in accordance with law, but not in an arbitrary manner.

In view of the above submission, the Writ Petition is disposed of directing the respondents to follow due process of law, before taking any steps to dispossess/evict the petitioner from the land in question. There shall be no order as to costs.

Consequently, the Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

11.02.2016

vhb