

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION NO.23337 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to issue writ of mandamus declaring the action on the part of the respondents 2 to 4 in preventing the petitioners from entering into the agriculture land in Pothavaram village, Chilakaluripet Mandal, Guntur District and obstructing the petitioners from harvesting the Subabul plantation as illegal and arbitrary and consequently direct them to refrain from doing so and permit the petitioners to enter into the lands, harvest and take away the Subabul plantation.

2. The case of the petitioners is that they have been in possession of land to an extent of Ac.2.06 cents in Sy.No.177, Ac.3.00 cents in Sy.No.204 and 238 and Ac.4.22 cents in Sy.No.177 of Pothavaram village, Chilakaluripet Mandal, Guntur District as cultivating tenants. Admittedly, the lands referred to above belong to Sri Chennakesava Swamivari Devasthanam and Sri Someswara Swamivari Devasthanam of Pothavaram village. Petitioners raised Subabul trees in the said land. It is not in dispute that the 4th respondent conducted the auction on 07-07-2016 in pursuance of notice, dated 27-06-2016. Though the petitioners have participated in the auction, the auction was knocked down in favour of the highest bidders.

3. Learned counsel for the petitioners submitted that the petitioners may be permitted to cut and take away the Subabul trees.

4. Learned standing counsel for the 4th respondent submitted that the petitioners raised Subabul trees contrary to the terms and conditions of the auction. However, the fact remains, there is standing crop in the land.

5. Having regard to the facts and circumstances of the case, the petitioners are permitted to cut and take away the Subabul trees within 15 days from today.

6. Accordingly, the Writ Petition is disposed of. No order

as to costs. Miscellaneous petitions, if any pending, in this Writ
Petition shall stand closed.

T.SUNIL CHOWDARY, J

DATED:19-07-2016.

Hsd