

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.5461 OF 2017

ORDER:

This writ petition is filed stating that grand father of the petitioner was granted 2-C patta of 5 tamarind trees in the year 1992 by then Tahsildar of presently Thavanampalli Mandal. The said tamarind trees spread over 70 cents of land in Sy.No.10/1 situated at Paimagham Revenue Village. Since then, the grand father of the petitioner and her father are in possession and enjoyment of usufructs of said tamarind trees and also the land under said trees. After death of father of the petitioner, the petitioner is in possession and enjoyment of said tamarind trees. When one tamarind tree was damaged and remaining four trees are hale and healthy and the petitioner is collecting the tamarind spreading over 50 cents. The said land is classified as Thopu Poramboke. Out of 70 cents in Sy.No.10/1, Ac.0-20 cents are occupied by encroachers. On 09-02-2017, the Mandal Surveyor and Revenue staff came to site and conducted survey and informed the petitioner that they want to allot the house sites to weaker sections without canceling patta granted under 2-C patta. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioner.

The learned Assistant Government Pleader for Revenue produced written instructions saying that the petitioner

already filed civil suit in O.S.No.801/1983 claiming title that by way of adverse possession and the same was dismissed. Thereafter, the petitioner filed another suit in O.S.No.1125/1999 and the same was also dismissed. It is stated that there are four tamarind trees existing on the ground. Previously house site pattas were granted to the weaker section people in the year 1992 in the vacant land where there are no tamarind trees. No house site pattas were issued underneath the tamarind trees. At present, there is no proposal for allotment of house sites to the weaker sections and the petitioner is not entitled to claim title and right over the schedule property.

In the written instructions, it is stated that no house pattas are issued underneath the tamarind trees. It goes to show that rights of the petitioner in respect of tamarind trees are not disturbed.

Recording the same, this writ petition is disposed of. As far as tamarind trees are concerned, it is for the respondent-authorities to take action after following due process of law. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

30-03-2017
Nvl

