

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No. 23594 of 2017

ORDER:

Heard Sri G.L.Nageswar Rao for petitioner and the Assistant Government Pleader for Respondents.

2. The petitioner complains against the Respondents, in dispossessing the petitioner from an extent of Ac.2.50 cents, situated in Survey No.88/ 1, Paravadapalem, hamlet of Ugginapalem village, Kasimkota mandal, Visakhapatnam district, when the Eucalyptus crop raised by the petitioner is ripe for harvest, and further complains against the inaction of respondents in considering and disposing of application of petitioner, dated 10.07.2017 as illegal, arbitrary and unconstitutional.

3. Briefly stated the circumstances relevant for disposal read thus. The authorities, after conducting enquiry into the genuineness of D-Form Patta relied upon by the petitioner, have concluded that the said D-Form Patta is not genuine and therefore the possession is found to be illegal and objectionable. The petitioner does not challenge the findings of the authorities on the assignment.

4. In the present writ petition Sri G.L.Nageswar Rao, by drawing the attention of the Court to Annexure at Page-27, contends that there is standing Eucalyptus crop, and if the petitioner is dispossessed or prevented from harvesting the crop,

the petitioner being an agriculturist will be subjected to financial hardship and irretrievable loss. He requests the Court to direct Respondents 2 to 5 not to interfere with petitioner's possession till the standing crop is harvested and taken away by petitioner.

5. The Assistant Government Pleader, firstly, objects to granting any time by this Court. According to her, once the patta is found to be bogus, extending any other relief to the petitioner amounts to encouraging continuation of illegal possession by petitioner. Further, taking note of the instructions and also the reality that Eucalyptus crop is raised by the petitioner, she submits that the Tahasildar may be directed to consider the request of petitioner for granting time for vacating the land and also for cutting and carrying away the standing crop. The submissions urged by the learned counsel are referred to inform the Respondent No.4 that the Respondent No.4, while insisting upon eviction of petitioner from the subject matter of the writ petition, can pass orders as are required and which would meet the ends of justice.

6. The writ petition is disposed of by this order:

The petitioner is given liberty to represent to 4th respondent seeking time of six months for vacating the land, cutting and carrying away the crop raised by him in the subject matter of the writ petition, by enclosing a copy of this order. The petitioner further undertakes in the said written petition not to subject the

petition land for further changes or induct third party into possession. If such a request is made within two weeks from today, the 4th respondent passes appropriate orders by imposing necessary conditions on the petitioner within two weeks thereafter.

7. The writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

July 18, 2017
Kv



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Kv