

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.27024 of 2018

ORDER:

Heard Mr.I.Munni Raja for petitioner and the learned Assistant Government Pleader (Revenue) for respondents.

The subject matter of the writ petition is an extent of Ac.1-50 cents in Sy.No.545 of Jangalapalle, Mogarala Revenue Village, Pakala Mandal, Chittoor District.

The petitioner complains the persistent demand of respondents in calling upon the petitioner to vacate from the petition land without recourse to law, as illegal and unconstitutional. The petitioner in support of his claim refers to B-Memos for recognizing the encroachment issued by the respondents for subject matter of the writ petition.

The Assistant Government Pleader on the contrary disputes each one of the allegations made by the petitioner and according to written instructions, the annexures filed by the petitioner require verification and then the genuineness can be accepted. In the absence of enquiry, he contends that assuming possession of petitioner of subject matter which is classified as objectionable poramboke is incorrect. By referring to written instructions, the Assistant Government Pleader

submits that it is a fact that mango trees are grown by the petitioner and land where mango trees are grown is part of tank poramboke. He prays for dismissing the writ petition.

Mr.Munni Raja keeping in view the arguments of Mr.Delli Babu further contends that B-Memos issued either in favour of petitioner or his father evidence the long standing possession of petitioner and his family and the mango garden grown by the family of the petitioner. The land if is shown as objectionable poramboke, there ought not be any objection for considering the case of the petitioner for granting tree license for all the trees grown in the subject matter, so that the petitioner can continue to enjoy the usufruct and protect trees also.

After perusing the material, particularly the written instructions dated 23.07.2018 and taking note of admission viz that mango garden is in existence in the subject matter, I am satisfied the writ petition can be disposed of by this order:

- (a) The petitioner is given liberty to represent to respondent Nos.4 and 5 for grant of tree license for the mango trees grown in subject matter of the writ petition, by enclosing a copy of this order within four (04) weeks from today.
- (b) Respondent Nos.4 and 5 would consider the request as expeditiously as possible, preferably

within eight (08) weeks thereafter and communicate the decision to the petitioner.

Writ petition is accordingly disposed of. No order as to costs. Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Date: 02.08.2018
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