

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.30518 of 2012

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26.08.2015

Between:

Smt.Kondru Bhadramma and another

.. Petitioners

and

The Conservator of Forests, Khammam and others

.. Respondents

Counsel for the petitioners: Mr.M.M.M.Srinivasa Rao
for Mr.Kowturu Vinaya Kumar

Counsel for the respondents: Government Pleader for Forests (TS)

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of the respondents in seeking to dispossess the petitioners without notice and without following due process of law from the lands admeasuring Ac.0.30 guntas in respect of each petitioner in survey Nos.49/21/A and 49/31 respectively of Mallaram Village, Manuguru Mandal, Khammam District, as illegal and arbitrary.

Though the learned Government Pleader for Forests (TS) submitted that a counter-affidavit was filed, no such counter-affidavit is available on record. Be that as it may, while the case of the petitioners is that the subject land is not a part of forest land, the learned Government Pleader for Forests (TS) submitted that the said land forms part of Guttamalla reserve forest compartment No.1. She has, however, conceded that no proceedings have been initiated under Section 20 of the Andhra Pradesh Forest Act, 1967 (for short 'the Act').

In my opinion, if the respondents find that any person is in occupation of reserve forest land, they are entitled to evict such person only following the procedure under Section 20 of the Act. As per

Sub-Section (3) thereof, unless a notice is issued and an opportunity of being heard is provided to such person, no order of eviction shall be passed.

As the respondents have not initiated proceedings under Section 20(3) of the Act, they are restrained from interfering with the petitioners' possession of the subject land. However, the respondents are left free to initiate proceedings under Section 20(3) of the Act and pass appropriate orders and communicate the same to the petitioners.

The Writ Petition is accordingly allowed to the extent indicated above.

As a sequel to allowing the Writ Petition, W.P.M.P.No.38929 of 2012 filed by the petitioners for interim relief shall stand disposed of.

C.V.NAGARJUNA REDDY, J

26th August, 2015
GHN