HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION Nos.15414, 15433 and 18871 of 2015

COMMON ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue and learned Government Pleader for Forest.

These three Writ Petitions are being disposed of by a common order with the consent of the parties.

In the three Writ Petitions, the petitioners claim that they are in possession of various extents of lands in Sy.Nos.438 and 262 situated in Nagineniprolu and Sarapaka Villages, Burgampahad Mandal, Khammam District. They claim that they are in possession of various extents of lands. It is an admitted case that Sy.No.438 extends to nearly Acs.5000, whereas Sy.No.262 extends to nearly Acs.4000. The petitioners came to this Court on earlier occasion when the Forest Department was interfering with their possession and this Court passed an order as follows:

> "In view of the rival contentions, it is not possible for this Court to go into the merits or to decide who is in possession of the land. However, this Court passed an order granting status quo in respect of the lands in question. In view of the same, if the petitioners are in possession, the respondents are at liberty to take possession of the property by following due process of law. The respondents shall take action if they are so advised within a period of three months from the date of receipt of a copy of this order and issue appropriate notice to the petitioners after obtaining report from the Tahsildar, Burgampahad Mandal. Till then the possession of the petitioners shall not be disturbed.
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> Accordingly, the Writ Petitions are disposed of. No order as to costs. As a sequel, Miscellaneous Petitions, if any, in this batch of writ petitions shall stand closed."

The same situation prevails today also.

It is submitted by the learned counsel for the petitioners that no steps were taken by the respondents after passing of the above

order, whereas learned Government Pleader for Forest submits that, in view of ensuing pushkarams, the government has to make arrangements for large number of people for parking vehicles, putting up tents etc. and, in the absence of any valid title in favour of the petitioners, it is not possible to regularize their possession in respect of the lands claimed by them. He also submits that the government identified nearly Acs.1400 of land in those two survey numbers for making arrangements for congregation of the people and other facilities.

Though urgency was expressed by both sides, in view of the interference alleged by the petitioners, and the existence of dispute with regard to possession of the parties, this Court is not in a position to determine the rights of the parties.

In the circumstances, the Writ Petitions are disposed of giving liberty to the petitioners to submit a representation to the District Collector, Khammam District, within a period of one week from the date of receipt of a copy of this order, enclosing the evidence regarding their possession and the District Collector, Khammam District, if necessary, call for a report from the District Forest Officers, and pass appropriate orders thereon, tentatively deciding the possession of the petitioners, and the government shall take necessary steps to make arrangements for the people in ensuing pushkarams. If the petitioners are validly in possession of the land, the District Collector, Khammam District, may pass appropriate orders protecting their interest and confining the governmental activity in the area other than the lands claimed by the petitioners. Needless to observe that, in view of relegation of the matter, the District Collector or the Forest Officials shall not take any coercive steps against the petitioners, if they are in possession, pending final decision by the District Collector. After a

tentative decision is taken by the District Collector, Khammam District, it is open to the authorities to take steps in accordance with law with regard to the claim of the petitioners or of the Forest Department.

As a sequel thereto, miscellaneous applications, if any, also stand disposed of.

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A. RAMALINGESWARA RAO,J

Date:29.06.2015
Note:CC two days
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