

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

* * * *

WRIT PETITION No.25122 of 2015

Between:

Miryala Anjamma, and others.

....Petitioners

and

The State of Telangana,
Represented by its Principal Secretary for Forests Dept.,
Secretariat, Hyderabad, and others.

....Respondents

DATE OF JUDGMENT PRONOUNCED: 11.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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|----|---|--------|
| 1. | Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be
Marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether His Lordship wishes to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.25122 of 2015

ORDER:

Heard the learned counsel for the petitioners and the learned
Government Pleaders appearing for the respondents.

The petitioners claim to be the tribals below the poverty line. The
first petitioner and 76 other tribals are carrying on agriculture in the land
in Survey No.314 admeasuring Acs.995.00 in Radhamgutta Block,
Samithi Singaram Panchayati, Manuguru Mandal in Khammam District

for the past few generations. When the forest officials obstructed them, they approached the Andhra Pradesh State Commission for SCs and STs for protection, which referred the matter to the Collector, Khammam, for conducting joint survey and also to provide protection from the Police and forest officials. The petitioners also approached the Project Officer, ITDA, Bhadrachalam, for conducting survey and also for issuance of ROFR pattas. He directed the Tahsildar, Manuguru, to enquire into the contents and conduct joint survey with the forest officials and submit compliance report. The Tahsildar in turn addressed a letter to the third respondent to fix a date for joint inspection. But, the joint survey is not yet conducted. Challenging the inaction of respondent Nos.3 to 5 in conducting the joint survey of the subject land, the present Writ Petition is filed.

The case of the petitioners is that they are protected under the Scheduled Tribes & Other Traditional Forest Dweller (Recognition of Forest Rights) Act, 2006, and they have a right to carry on agriculture even in the forest areas. They allege that recently the forest and police officials obstructed them from carrying on agricultural operations and also tried to destroy the crop in the subject land.

In view of the above facts and circumstances of the case, the writ petition is disposed of directing respondents Nos.3 and 4 to complete the joint survey and furnish a copy of the report to the petitioners within a period of thirty days from the date of receipt of a copy of this order. It is needless to mention that the presence of the petitioners shall be ensured at the time of conducting the joint survey. Miscellaneous Petitions, if any pending in this writ petition shall stand closed. No order as to costs.

(A.RAMALINGESWARA RAO, J)

11.08.2015
vs