

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No.221 OF 2003

JUDGMENT: *(Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)*

This writ appeal is directed against the order dated 09.12.2002 in W.P.No.23466 of 2001, disposing of the said writ petition filed by the appellant in terms of the directions issued in concluding paragraph. The concluding paragraph reads thus:

“In view of the same, the District Collector is directed to review the whole assignment made in favour of the petitioner's father and only after the area is demarcated in the light of the prohibition contained in BSO No.15 para 35 (iii), the petitioner may be assigned the land. Till the said exercise is completed, the petitioner is not entitled for cultivation within the reserved forest area i.e., one acre and the vacant land 2 or 3 chains wide between the reserved forest boundary and the assigned land.”

The appellant claims that his father was assigned land to the extent of Ac.3-00 in Sy.No.18(old) 220(new) on 28.11.1986 and he was put in possession of the same by issuing pattadar passbook etc. After the death of the appellant's father, Forest Officers tried to destroy the crops raised by the appellant on 15.10.2001. At that stage, the appellant made a representation dated 22.10.2001 to the revenue officials bringing to their notice of the interference by the forest officials. Despite all this, the forest officials were not allowing the appellant to cultivate the land and, therefore, he filed writ petition in this Court seeking direction to the 1st and 2nd respondents not to interfere with his possession and enjoyment over the land in question.

On the other hand, the case of respondents is that a notification dated 08.10.1967 under Section 4 of the A.P. Forest Act, 1967 (for short 'the Act') was issued notifying Chavvabedu forest as reserved forest after following the due procedure. Declaration under Section 15 of the Act was also issued in G.O.Ms.No.25, Forests and Rural Development

(For.III) Department dated 01.02.1982 and the same was published in the A.P. Gazette dated 02.12.1982. It is further stated that the appellant's father had encroached into the reserved forest area in Sy.No.12 of Malapadu Village to the extent of Ac.2-00 in between cairn stone Nos.27 and 28 and converted the said land into agricultural land and patta issued to the petitioner is contrary to BSO No.15 Para 35(iii). In this backdrop, the learned Single Judge, after considering the case of the appellant as well as of the respondents, issued the direction as quoted above.

Mr.M.Surender Rao, learned counsel for the appellant, submits that the appellant has no objection for demarcating the area as directed in the impugned order in his presence and if it is found that he has encroached upon the reserved forest area, he will not have any objection for vacating the said land and handing it over to the Forest Department.

In this view of the matter, we are not entering into further details and we are satisfied that the following order shall meet the ends of justice:

“The District Collector, as per the impugned order, while reviewing the whole assignment made in favour of the appellant's father, shall conduct the survey and demarcate the land in his possession and so also the reserved forest and if it is found that there is an encroachment and/or the appellant is in possession of any part of the forest land, they shall take possession thereof. The appellant shall not resist the Forest Department in taking possession of the forest land, if any.”

With these observations, the appeal is disposed of. No costs.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

DILIP B. BHOSALE,

ACJ

S.V.BHATT,

J

Date: 09.07.2015
Stp/Lrkm