

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.18669 of 2011

ORDER:

Heard learned counsel for the petitioners and the learned counsel for the respondents. With the consent of both the parties, the writ petition is disposed of at the admission stage.

The present writ petition is filed questioning the action of the 3rd respondent, in trying to dispossess the petitioners from the subject land without issuing any notice and without following any due process of law at the behest of respondents 1 and 2, as illegal and arbitrary.

The averments in the writ petition are as under:

The petitioners who are 40 in number belonging to Schedule Caste, Schedule Tribe and Backward Classes and they are landless poor. It is stated that the petitioners are in possession of Ac.80-00 cents of land, two acres by each of the petitioner, in lands situated in survey No.31/2 of Mannegunta Village, Venkatagiri Mandal, SPSR Nellore District. The petitioners are alleged to have made representations to the authorities for granting D-Form patta in their favour, as the said land is a forest waste land. The averments in the writ petition further show that the petitioners made a representation to the District Collector on 20-11-2010 and also to the 3rd respondent on 11-03-2011 for issuance of D-Form pattas in their favour. It is said that instead of taking action, the respondents are trying to dispossess them.

The 5th respondent-Divisional Forest Officer filed counter opposing the same. It is stated that the petitioners have no right or title over the land, as the same is a forest land. It is stated in the counter that a Reserve Forest Block by name 'Venkatagiri Hill Block' has been notified under Section 4 of Andhra Pradesh (Andhra area) Act, 1982

and the same is spread over an extent of 65,920 acres covering lands of various villages. Since the said notification does not contain any survey numbers, it is difficult to locate the extent of disputed land in survey No.31/2 of said village. It is stated that to demarcate the disputed land also, the presence of Revenue officers are very much necessary. Therefore, a joint inspection of the forest and revenue officials has to be taken up and the Forest Range Officer, Venkatagiri has addressed a letter to Tahsildar, Venkatagiri Mandal on 06-06-2015 for joint inspection.

It is contended that these petitioners who are alleged to be in possession of land since more than 20 years cannot be dispossessed without following due process of law. Implead petitioners have no objection for disposal of the writ petition by giving such a direction.

Without going into the merits of the case and having regard to the circumstances stated above, the writ petition is disposed of by giving direction to the respondent No.3 not to dispossess the petitioners, if they are in occupation of the land in survey No.31/2 of Mannegunta Village, Venkatagiri Mandal, SPSR Nellore District, without following due process of law. It is needless to mention that the representations made by the petitioners, dated 20-11-2010 and 11-03-2011, shall be considered in accordance with law, if the same are made and still pending consideration. As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

20-07-2015
nvl

