

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

Writ Petition No.25800 of 2012

Dated 15th July, 2015

Between:

Voleti Vinay Rao

...Petitioner

And

The Government of Andhra Pradesh, rep.by its Secretary to Government, Forest Science and Technology Department, Secretariat, Saifabad, Hyderabad and others

...Respondents

Counsel for the petitioner: Sri M.R.K.Chakravarthy

Counsel for the respondents: AGP for Forests (AP)

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to set aside G.O.Ms.No.414, Food and Agriculture (For-III), dated 24.03.1972, published in A.P.Gazette, dated 22.06.1972, under section 4 of the A.P.Forest Act, 1967 (for short 'the Act').

It is the pleaded case of the petitioner that he is the lawful owner of Acs.8.50 cents of land in Survey No.346 of Madicherla Village, Bapulapadu Mandal, Krishna District. In his affidavit, he has traced his title, the details of which need not be referred in this order. His grievance is that in the guise of the impugned notification issued under Section 4 of the Act, the respondents have been trying to interfere with his possession of the property.

In the counter affidavit filed by respondent No.3, it is *inter alia* stated that the extent of Acs.28.25 cents, of which Acs.8.50 cents

claimed by the petitioner form part, fall outside the notified forest lands and they are situated abutting the boundary line of R.S.No.1 of Madicherla Village, and that with a *mala fide* intention to grab the notified forest land, the petitioner has been trying to encroach the forest land.

In the light of the plea raised by respondent No.3 in the counter affidavit that the extent of Acs.8.50 cents of land claimed by the petitioner falls outside the forest land, it is unnecessary for this Court to adjudicate on the validity or otherwise of the impugned notification. However, as regards the allegation of the respondents that in the guise of enjoyment of his property, the petitioner is trying to encroach upon the forest land, I am of the opinion that in such event, the respondents shall initiate proceedings under Section 20 of the Act by following the procedure prescribed under proviso to sub-section (3) thereof, namely, issuing a show-cause notice to the petitioner and passing appropriate order after considering the explanation, if any, filed by him. Till this procedure is followed, the respondents shall not interfere with the petitioner's possession of the property on the allegation that he is trying to encroach the forest land.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, WP.M.P.No.32871 of 2012 and W.V.M.P.No.4569 of 2012 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

15th July, 2015
VGB