

**HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION No.12911 OF 2015**

**ORDER:**

Heard Smt K.Sesharajyam, learned senior counsel for the petitioners and learned Government Pleader for the respondents.

The petitioners claim to be carrying on agricultural operations in an extent of Ac.24-26 guntas in Survey No.190/అ, 190/ఆ, 190/e and 190/ee, Ac.12.00 guntas in Survey No.190/అ, and 190/A and 190/i and Ac.16.00 guntas of land in Survey No.190/Lu and 190 /Luu, Ac.24.35 guntas in Survey No.190/ఉ, 190/ఊ, 190/Ru and 190/Ruu respectively situated in Nellipaka Revenue Village, Aswapuram Mandal, Khammam District. They claim them to be their ancestral lands. They also submit that the possession of the land is supported by revenue records. While so, in March, 2011 when there was interference by the Forest Officials, they filed W.P.No.8646 of 2011 and that their possession was protected. However, they withdrew the said writ petition later on. Now again when the Forest Officials are interfering with their possession in respect of the land, the present writ petition is filed.

Learned senior counsel for the petitioners submits that Survey No.190 was made into several sub-divisions and there was a notification of the forest land only in respect of Survey No.190/1 of Nellipaka Village in an extent of 2631 under G.O.Ms.No.263 FRD (For-III), dated 23.03.1975 and in respect of other sub-division of the same survey number, there was no forest notification and the above land is in possession of the petitioners. However, this is seriously disputed by the learned Government Pleader appearing for the Forest Department stating that under the guise of some land in possession of the petitioners supported by documentary evidence, they are encroaching the forest land and claiming continuance of possession in that land also.

The fact with regard to the land in possession of the petitioners and supported by revenue records cannot be decided by this Court in

the writ petition.

In the circumstances, respondents 4 to 6 shall jointly survey the land in the presence of the petitioners by issuing proper notice and verify the land in possession of the petitioners and if it falls within the reserve forest area as claimed by the respondents 4 and 5, they are at liberty to take appropriate action under the provisions of the A.P. Forest Act. If it is found that it is outside the forest area, they shall not interfere with the possession of the petitioners. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of the order and the petitioners shall not be disturbed with their possession till then. If any standing crop is there, it is needless to mention that the petitioners are entitled to cut the crop.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

Pending miscellaneous petitions in this Writ Petition, if any, shall stand closed in consequence.

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**A.RAMALINGESWARA RAO, J**

09.07.2015  
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**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

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