

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

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WRIT PETITION No.32514 of 2015

Between:

Thati Anjibabu and others.

....Petitioners

and

The State of Andhra Pradesh,
Rep.by its Principal Secretary,
Environment Forest Science & Technology,
Secretariat, Hyderabad,
And others.

....Respondents

JUDGMENT PRONOUNCED ON : 06.10.2015

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?

2. Whether the copies of judgment may be : No

Marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to : No

see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.32514 of 2015

ORDER:

This Writ Petition is filed by seventeen petitioners who claim to belong to Scheduled Tribe community. In respect of eleven applicants, this Court passed the following order in W.P.No.22667 of 2015 on 22.07.2015.

“The petitioners claim that they belong to Scheduled Caste Community. Though they are residents of Chenchugudem, but they are residing in Kothapalli village, Macherla Mandal, Guntur District. When they were sought to be evicted from their huts, they filed Writ Petition No. 27604 of 2008 and this Court disposed of the same by order dated 18.12.2008 giving liberty to them to make a claim before the Grama Sabha/Authority to initiate the process for determining their nature of rights under Section 6 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (for short ‘the Act’) if not already made, within a period of four weeks from the date of the said order. Thereafter a notice was issued by the Forest Range Officer on 18.01.2009 acknowledging the receipt of applications of eleven petitioners and intimating that in respect of other sixteen members they can take further steps in accordance with the provisions of the Act. The present Writ Petition is filed by eleven petitioners. They state that they submitted a representation along with others to the respondents on 23.1.2009 seeking to recognize their nature of rights. When the said representation is not considered, the present Writ Petition is filed.

In the circumstances, Respondents 5 and 6 shall verify the representation of the petitioners and consider their case for further action in accordance with the provisions of the Act and till such time, status quo obtaining as on today shall be maintained in respect of the petitioners, provided that if their rights are not declared already on the claim made by them.”

The petitioners herein also claim the same relief.

In view of the above, this Writ Petition is also disposed of directing respondent Nos.5 and 6 to verify the representation of the petitioners and consider their case for further action in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and till such time, *status quo* obtaining as on today shall be maintained in respect of the petitioners, provided that if their rights are not declared already on the claim made by them. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

06.10.2015

vs

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