

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.25641 of 2011

Date:15.7.2015

Between:

Shiva Shankar Prasad,
S/o Hari Prasad Pandey and four others.

..... Petitioners

And

The Divisional Forest Officer,
Bellampalli Adilabad District.

.....Respondent

Counsel for the Petitioners: Sri S.Sreenivasa Sarma

Counsel for the Respondent: GP for Forests (TS)

The Court made the following:

ORDER:

This Writ Petition is filed with the grievance that the respondent has been unduly interfering with the petitioners' possession of lands admeasuring Acs.9.15 guntas in Survey No.93, Acs.8.12 guntas in Survey No.94, Acs.9.00 guntas in Survey No.95 and Acs.10.15 guntas in Survey No.246 of Manneguda Village, Nennel Mandal, Adilabad District.

In the counter-affidavit filed by the respondent, it is specifically averred that he has not been questioning the ownership of the petitioners in respect of the lands in the above-mentioned Survey numbers, but in the guise of enjoying the lands in the said Survey numbers, the petitioners have been encroaching upon the reserve forest lands in Compartment Nos.388, 389 and 391.

Inasmuch as the petitioners have claimed the relief only in respect of the lands in Survey Nos.93, 94, 95 and 246 and having regard to the stand taken by the

respondent in the counter-affidavit that the Forest Department is not interested in those Survey numbers, no further adjudication of this Writ Petition is necessary.

The Writ Petition is, accordingly, disposed of. However, if the petitioners try to encroach upon the reserve forest lands, the respondent shall follow the procedure prescribed under Section 20 of the Forest Act, 1987 and the respondent shall not interfere with the petitioners' possession of the above-mentioned Survey numbers on the mere allegation of their trying to encroach upon the reserve forest lands without following such procedure.

As a sequel to the disposal of the Writ Petition, W.P.M.P.No.31607 of 2011 is disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*15th July 2015
DR*