

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

Writ Petition No.39054 of 2012

Dated 30th July, 2015

Between:

Madivi Dulaiah and others

...Petitioners

And

The Government of Andhra Pradesh, rep.by its Principal Secretary,
Forest Department, Secretariat Buildings, Hyderabad and others

...Respondents

Counsel for the petitioner: Sri J.U.M.V.Prasad

Counsel for the respondents: GP for Forests

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to declare the action of the respondents in seeking to dispossess the petitioners from the lands in their occupation as illegal and arbitrary.

The petitioners pleaded that they belong to ST community and that they have been in possession of house sites, over which, they have raised structures and been living therein. Their grievance is that without following due process of law, the respondents have been interfering with their possession.

In the counter affidavit, while denying the allegation of the petitioners that their possession is being interfered with, the respondents have, however, stated that the petitioners tried to encroach the reserve forest for construction of houses/sheds and that the respondents tried to prevent them from doing so.

Under Section 20(3) of the A.P.Forest Act, 1967 (for short 'the

Act'), where a person contravenes the provisions of sub-clause (ii) or sub-clause (vii) of Clause (c) of sub-section (1), the Officers authorised by the said provision may evict the person from the forest or the land, pertaining to which the contravention has taken place and remove any building or other construction or anything grown or deposited on it. The proviso thereof envisages an opportunity to be given to the person likely to be affected before any such action is taken.

If the petitioners tried to occupy the reserve forest, the respondents are entitled to initiate action under the above-mentioned provision. However, as per the procedure laid down in the proviso to Section 20(3) of the Act, it is incumbent upon the respondents to issue notice to the petitioners and after considering their explanation, if any, they can pass appropriate orders. The respondents are, therefore, directed to follow the said procedure if they find that the petitioners are in occupation of the forest land or they are attempting 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.49560 of 2012 and WV.M.P.No.490 of 2014 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

30th July, 2015
VGB