

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

CONTEMPT CASE NO.2060 OF 2014

DATED:17-7-2015

Between:

Kandala Chandrasekhar Reddy
and another

... Petitioners

And

Sri Dalia Guguloth
The Forest Range Officer
Aswapuram,
Khammam District
and others

... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Ms. Ch. Sujatha, for
Mr. P. vishnuvardhan Reddy

COUNSEL FOR THE RESPONDENTS: G.P. for Forests (TS)

THE COURT MADE THE FOLLOWING:

ORDER:

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This contempt case is filed alleging wilful disobedience of order dt.28.6.2012 in W.P.M.P. No.24718 of 2012 in W.P. No.19295 of 2012.

By the above-mentioned order, this Court has restrained the respondents from interfering with the peaceful possession and enjoyment of the petitioners' land admeasuring Ac.9.20 gts., in Sy. Nos.190/550 and 190/136, situated at Nellipaka Village, Aswapuram Mandal, Khammam District.

In the counter affidavit filed by respondent No.1, it is *inter alia* stated that while the respondents have nothing to do with the above-mentioned land, in the guise of enjoying the said property the petitioners have been trying to encroach upon the land included in the reserve forest and that therefore the respondents have only prevented the petitioners from making such encroachments.

In my opinion, if the petitioners are found to have encroached upon the reserve forest land in the guise of enjoying Ac.9.20 gts., in Sy. Nos.190/550 and 190/136 of Nellipaka Villagem, it is incumbent upon the respondents to follow the procedure under Section 20(3) of the Andhra Pradesh Forest Act, 1967 (for short, 'the Act'). If they do not follow such procedure, they will not be in a position to substantiate their plea that the petitioners are trying to encroach upon the forest land. On the contrary, in the guise of preventing the encroachment upon the forest land, there is a likelihood of the respondents trying to prevent the petitioners from enjoying their land admeasuring Ac.9.20 gts. In view of the unequivocal statement made in the counter affidavit that the respondents are not interfering with the petitioners' possession of Ac.9.20 gts., in the above-mentioned survey numbers, the respondents are directed not to cause any further interference in future

in the guise of the petitioners encroaching upon the forest land, unless and until they initiate proceedings under Section 20 of the Act and pass an appropriate order after giving the petitioners an opportunity of being heard.

Subject to the above directions, the contempt case is closed.

C.V. NAGARJUNA REDDY, J

17-7-2015

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