

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

Writ Petition No.25104 of 2012

Dated 15th July, 2015

Between:

Mrs.Fatima Sami and another

...Petitioners

And

The Divisional Forest Officer, Vikarabad, Hyderabad and another

...Respondents

Counsel for the petitioner: Sri Nargis Afshan Khan

Counsel for the respondents: GP for Forests (TS)

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to declare the action of the respondents in interfering with the petitioners' possession of land admeasuring Acs.2.20 guntas in Survey No.55/౨, 55/౩ and 55/2/1 of Kandlapally Village, Pudur Mandal, Ranga Reddy District as illegal and arbitrary.

In the counter affidavit filed by respondent No.1, it is *inter alia* stated that the land claimed by the petitioners is notified as reserve forest by issuing notifications under Section 4 as well as under Section 15 of the A.P.Forest Act, 1967 (for short 'the Act'). The learned counsel for the petitioners submitted that before issuing final notification under Section 15 of the Act, the respondents have not followed the procedure of issuing notices to the petitioners calling for their claims.

In my opinion, unless the petitioners question the notifications issued under the Act, it is not appropriate for this Court to adjudicate on the legality or validity of such notifications. While the petitioners assert that they are in

possession of the land, it is the case of the respondents that the petitioners are not in possession of the same. Therefore, if the respondents find that any land forming part of a notified reserve forest is in occupation of the petitioners, they shall initiate proceedings under Section 20 of the Act and issue notices to the petitioners before taking appropriate action.

Subject to the above observations, the writ petition is disposed of.

As a sequel to disposal of the writ petition, WP.M.P.No.32105 of 2012 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

15th July, 2015
VGB