

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

WRIT PETITION No.34484 of 2011

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10.06.2015

Between:

Tulja Naik and others

...Petitioners

And

The Government of Andhra Pradesh,

Represented by its Principal Secretary, Forest Department,
Hyderabad and others

...Respondents

Counsel for the petitioner: Mr.K.S.Murthy

Counsel for respondent Nos.1 to 4: Government Pleader
for Forests (TG)

Counsel for respondent Nos.5 and 6: Government Pleader for
Revenue (AP)

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of the respondents in not permitting the petitioners to enjoy the land in survey No.399/1 of Angamoni banda Thanda, Hamlet of Gondyala, Hunwada Mandal, Mahabubnagar District, as illegal and arbitrary. The petitioners sought for a consequential direction to the respondents to protect their land of Acs.41.00 in the aforesaid survey number.

Respondent No.4 filed a detailed counter-affidavit, wherein it is, *inter alia*, stated that as there was dispute as to whether the land claimed by the petitioners forms part of forest land, a joint inspection was conducted on 01.12.2011 by the Assistant Director, Survey and Land Records, Mahabubnagar, Forest Settlement Officer, Mahabubnagar, Forest Range Officer, Mahabubnagar, and the Tahsildar, Hanwada Mandal, and during the said inspection, petitioner No.1 has participated and has shown the land claimed by them, that accordingly, survey was held with the

aid of GPS (12 channel) instrument and superimposed in survey of India topo sheet No.56 H 13 and that on such survey, it was found that the land claimed by the petitioners fell inside Gundiya reserve forest, which was notified under Section 19 of the Hyderabad Forest Act, 1355 F. It is further stated that after completion of the joint inspection, the forest department submitted a report, vide Rc.No.B/59/2011 dated 23.12.2011 and that with a *mala fide* intention to grab the forest land, the petitioners have filed the present writ petition.

Mr.K.S.Murthy, learned counsel for the petitioners, submitted that after the joint inspection and demarcation of the land made by the forest/revenue officials, the petitioners have approached respondent No.5 on whose instructions, the Assistant Director, Survey and Land Records, Mahabubnagar has issued a notice to the petitioner on 18.07.2013 for re-fixing the boundaries and that so far such re-fixation is not made.

Learned Government Pleader for Forests (TG) submitted that the petitioners have been repeatedly making attempts to encroach upon the forest land and that more than once they have executed undertakings that they will not cause such interference in future.

Inasmuch as the joint inspection was made and boundaries were demarcated and the respondents claimed that as per the said demarcation, the land claimed by the petitioners fall within the reserve forest area, no *mandamus* can be issued in favour of the petitioners. However, the petitioners are left free to pursue with the survey authorities for a fresh inspection and for re-fixing the boundaries of the land in question.

Subject to the liberty given to the petitioners as above, the Writ Petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.42918 of 2011 filed by the petitioners for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

10th June, 2015

GHN