

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

Writ Petition No.12690 of 2011

Dated 17th June, 2015

Between:

Vankudoth Ramu and others

...Petitioners

And

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

...Respondents

Counsel for the petitioners: None appeared

Counsel for respondent Nos.1, 2 & 5: GP for Forests (TS)

Counsel for respondent Nos.3 & 4: AGP for Tribal Welfare

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to declare the action of the respondents in trying to dispossess the petitioners from the land in Survey No.184 of Dhanasari Village, Kesamudram Mandal, Warangal District as illegal and arbitrary. The petitioners consequently sought for a direction to the respondents to conduct an enquiry and regularise their possession over the said land by issuing pattas.

The petitioners averred that they belong to Lambada caste, that they have been in possession of Acs.2.00 of land in Survey No.184 of Dhanasari Village and that the said land has been in possession of their family from the time of their forefathers from time immemorial. That the respondents have been trying to dispossess them from the said land.

On behalf of the respondents, respondent No.5 filed a counter affidavit, wherein, it is *inter alia* stated that the extent of Acs.2.00 being

claimed by the petitioners is a part of Acs.821.21 guntas in Survey No.184 of Dhanasari Village and which in turn form part and parcel of reserve forest Compt.No.1178 of Beat Kesamudram Section, Kesamudram of Forest Block Dhanasari notified under Section 4 of Hyderabad Forest Act, 1355 Fasli corresponding to Section 4 of the Andhra Pradesh Forest Act, 1967. It is further averred that from the time of the said notification, the entire area of Acs.821.21 guntas is under possession and control of the Forest Department covered with the natural forest growth. It is also averred that the Mandal Revenue Inspector, Kesamudram; Village Revenue Officer, Dhanasari; Forest Section Officer, Kesamudram and Forest Beat Officer along with panchas have visited the land and surveyed the area through GPS (Global Positioning System) while taking latitude and longitude on 23.07.2011 and found that the entire area of Survey No.184 of Dhanasari Village is part of reserve forest, Compt.No.1178 of Forest Block Dhanasari and is under the control and possession of the Forest Department and that no cultivation is noticed in the above land.

In support of the averments in the counter affidavit, the respondents have filed a Gazette Notification issued by the erstwhile Nizam Government bearing 15th Bhaman 1357 Fasli in Urdu along with translated copy. They have also filed Prohibitory Order Register of Warangal, South Forest Division and Serial No.20 of the said Register mentioned Survey No.184 of Dhanasari Village, to substantiate their plea that the property in occupation of the petitioners is a part of reserve forest.

Except the three photographs, the petitioners have not filed any evidence to show that either the land is a private land or they are in possession of the property. Even these photographs would only show that cattle and sheep were grazing the land. The photographs do not show any traces of cultivation by the petitioners. As rightly submitted by the learned Government Pleader, these photographs do not in any manner establish the possession of the petitioners.

In the light of the above discussed facts, I am of the opinion that no mandamus can be issued to the respondents restraining them from exercising control over the land which forms part of reserve forest.

For the above-mentioned reasons, the writ petition fails and the same is accordingly dismissed.

As a sequel to dismissal of the writ petition, interim order, dated 28.04.2011, shall stand vacated and W.P.M.P.No.15453 of 2011 and W.V.M.P.No.3225 of 2011 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

17th June, 2015
VGB