

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

WRIT PETITION No.6724 of 2012

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10.06.2015

Between:

M.Jaya Lakshmi and others

...Petitioners

And

The District Collector, Chittoor and others

...Respondents

Counsel for the petitioners: Mr.C.Kumar

Counsel for respondent Nos.1 and 2: Government Pleaders
for Revenue (AP) and Assignments (AP)

Counsel for respondent Nos.3 and 4: Government Pleader for
Forests (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 seeking to dispossess the petitioners from the lands admeasuring Acs.4.80 cents in survey No.356/2, Ac.1.00 in survey No.298/1, Ac.0.50 cents in survey No.298/2A, Ac.0.35 cents in survey No.299/2D and Acs.1.50 cents in survey No.298/3A of Nesanuru Village, Puttur Mandal, Chittoor District, as illegal and arbitrary.

It is the pleaded case of the petitioners that they were granted assignments by respondent No.2 and that when they were cultivating their lands, the officials of respondent Nos.3 and 4 have been unduly interfering with their possession.

Respondent Nos.2 and 4 filed separate counter affidavits. While respondent No.2 has supported the claim of the petitioners that the lands in their occupation

have been assigned by the revenue department, respondent No.4 has taken the plea that the lands in question form part of Narayanvanam reserve forest, which was notified under G.O.Ms.No.1907, dated 27.09.1968.

From the fact that respondent Nos.2 and 4 have raised conflicting pleas with regard to the nature of the lands in question, I am of the opinion that interests of justice would be met if joint survey is held involving both the revenue and forest departments in the presence of the petitioners or their representatives and boundaries are demarcated. If after joint survey and demarcation of boundaries, it was found that the lands claimed by the petitioners' form part of reserve forest, subject to the right of the petitioners to assail such findings by availing appropriate remedy, the forest department shall be entitled to protect the lands. If on the contrary, it was found that the lands fall outside the reserve forest, respondent Nos.3 and 4 shall not interfere with the possession of the petitioners of their lands. Respondent No.3 shall take the initiative for holding the joint inspection and demarcation of the boundaries and shall ensure that the entire exercise is completed within three months from the date of receipt of a copy of this order.

Subject to the above observations and directions, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, interim orders, dated 14.11.2012 and 02.07.2013 are vacated and W.P.M.P.No.8537 of 2012 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

10th June, 2015

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