

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.18977 of 2011

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Between:

1. Mandapata Chata (died) per Lrs.

PETITIONERS

AND

1. The Divisional Forest Officer, Aswapuram, Khammam District,
and others.

RESPONDENTS

ORDER:

Alleging that the respondent-authorities are trying to dispossess the petitioners from the land admeasuring Ac.14.11 gts in Sy.No.262 of Sarapaka Village, Burgampahad Mandal, Khammam District, on the ground that the said land is forest land the petitioners filed this writ petition. The petitioners claim that the said land is private land.

A detailed counter affidavit sworn on 10.08.2011 was filed by the Forest Range Officer, Aswapuram, the 2nd respondent herein. In the counter it has been asserted that the joint inspection conducted by the 2nd respondent and the Tahsildar, Burgampadu, reveals that the subject land falls in Kristasagar reserve forest, which is a notified reserve forest, by virtue of the notification issued under Section 4 of the A.P. (Telangana Area) Forest Act, 1855 vide G.O.Ms.No.2012 F&A (For-III) Department, dated 27.07.1965 and the subsequent notification under Section 15 vide G.O.Ms.No.92 EFS&T (For-II)-2) Department, dated 16.04.1993. It is further alleged that the petitioners, in the guise of approaching the revenue authorities, are encroaching into the forest land. By making reference to the judgment of this Court in **Divisional Forest Officer, Khammam, v. Kunja Muthaiah and others**^[1], the Forest Range Officer stated that the petitioners cannot seek any relief under Article 226 of the Constitution of India as no person can have right over the land in Reserve Forest except on succession or prescription, and they have to agitate their right through a competent civil Court.

Learned counsel for the petitioner submits that the 4th respondent called for report on 17.05.2011 from the Tahsildar, Burgampahad Mandal, with reference to the representation of the

petitioner and to submit details regarding location of the land, name of the adjacent Forest Block and under which section the Forest Block was notified etc., but no action has been taken so far.

Heard learned counsel for the petitioners and learned Government Pleader for Forest (Telangana).

In view of the categorical assertion of the respondents that the land in Sy.No262 falls within the notified reserve forest, and the contention made by the petitioners that they are not encroaching into the forest land but they are the adjacent owners of the land, the grievance of the petitioners appears to be a boundary dispute. In that view of the matter, the issue cannot be settled in exercise of the supervisory jurisdiction of this Court under Article 226 of the Constitution of India.

In view of the same, without expressing any opinion on the merits of the case, the writ petition is closed. The petitioners are at liberty to take appropriate steps as available to them under law by approaching the appropriate authorities seeking redressal of their grievance.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

7th December, 2015
Js.

[\[1\]](#) 1996 (3) ALD 768 (DB)