

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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WRIT PETITION No.21595 of 2015

Between:

Ram Tenki Sammakka and others.

....Petitioners

and

The State of Telangana,
Represented by its Principal Secretary for Forests,
Secretariat, Hyderabad, and others.

....Respondents

DATE OF JUDGMENT PRONOUNCED: 23.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be Marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether His Lordship wishes to see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.21595 of 2015

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleaders appearing for the respondents.

The petitioners claim to be the tribals below the poverty line. The first petitioner and 35 other tribals are carrying on agriculture in the land in Survey No.48 admeasuring Acs.100.00 in Thatigudem Village, Pinapaka Mandal in Khammam District since 1996, and this year they have sown seeds, which are in seedling stage. When the forest officials

obstructed them, they approached the Andhra Pradesh State Commission for SCs and STs for protection, which referred the matter to the Collector, Khammam, for conducting joint survey and also to provide protection from the Police and forest officials. The petitioners also approached the Project Officer, ITDA, Bhadrachalam, for conducting survey and also for issuance of ROFR pattas. He stated that many villages had boundary disputes between revenue and forest departments and accordingly requested the Divisional Forest Officer, Palvanha, to arrange for a joint survey in consultation with the Tahsildar, Pinapaka Mandal in Khammam District to determine the forest land. But, the joint survey is not yet conducted. Challenging the inaction of respondent Nos.3 to 5 in conducting the joint survey of the subject land, the present Writ Petition is filed.

The case of the petitioners is that they are protected under the Scheduled Tribes & Other Traditional Forest Dweller (Recognition of Forest Rights) Act, 2006, and they have a right to carry on agriculture even in the forest areas. They allege that recently the forest and police officials obstructed them from carrying on agricultural operations and also tried to destroy the crop in the subject land.

In view of the above facts and circumstances of the case, the writ petition is disposed of directing respondents Nos.3 and 4 to complete the joint survey and furnish a copy of the report to the petitioners within a period of thirty days from the date of receipt of a copy of this order. It is needless to mention that the presence of the petitioners shall be ensured at the time of conducting the joint survey. Miscellaneous Petitions, if any pending in this writ petition shall stand closed. No order as to costs.

(A.RAMALINGESWARA RAO, J)

23.07.2015
vs