

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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W.P.No. 32969 of 2011

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DATE: 11.06.2015

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Between:

Gugulothu Jeeva

and three others .. Petitioners

And

The District Collector

and three others .. Respondents

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ORDER:-

The assertion of the petitioners who belong to Scheduled Caste, Scheduled Tribe and Backward Class communities, is that they have been in possession and enjoyment of Government poramboke lands in an extent of Ac.2.00 cents each in R.S.No.1 situated at Bodavada Grama Shivar, in Thripuravaram village, Bodavada Grampanchayat, Jaggayyapeta Mandal, Krishna District for more than 50 years by virtue of adangals and pahanies issued by the revenue authorities

and they being landless poor, eking out their livelihood by cultivating the same. While so, it is stated that the Grampanchayat, Bodavada, in its meeting held on 15.12.2010, passed a resolution for distribution of the Government land to the landless poor. Thereupon, the petitioners made representations, the latest being dated 02.05.2011 to the 1st respondent requesting for grant of pattas. Now, the petitioners' grievance is that even though they made representations, the official respondents have neither considered their representations nor granted pattas to them. Hence, the present writ petition is filed seeking appropriate directions.

The 4th respondent-Tahsildar has filed counter affidavit *inter alia* stating that R.S.No.1 in Tripuravaram village which consists of vast extent of Ac.243.47 cents of land stands classified as Panchayat Forest as per revenue records and there is prohibition contained in the Forest (Conservation) Act, 1980 (for brevity "the Act") that no forest land can be diverted to any non-forest purpose and even if the area is claimed it requires prior approval of the Central Government. Inasmuch as there is no proposal for converting the forest land, the question of considering the petitioners' representations for grant of pattas does not arise. Further, the claim of the petitioners that they are in possession and enjoyment of the land over a long period is specifically denied and it is categorically asserted that it is vacant land and no cultivation is carried out in it. It is also stated that the Adangal for Fasli 1411 contains the names of petitioner Nos.2 and 3 which is an instance of record tampering and the petitioners as per the revenue records are not in possession of the land in question.

Even though the petitioners have filed reply affidavit, nothing comes out of the same except stating that their possession is certified by the Village Revenue Officer, vide Certificate dated 28.06.2008.

Heard the learned counsel for the petitioners, the learned Government Pleader for Revenue and the learned Government Pleader for Forest and perused the material placed on record.

This is a case where the categorical assertions and the material

placed on record evidencing that the land in R.S.No.1 is forest land stand totally un rebutted. The legal position that the forest land cannot be converted to any other purpose on the ground of prohibition contained under the Act is also not disputed. The only aspect that remains is, the petitioners claim that they are in possession and enjoyment of the lands and, but this claim is not established and the same is disputed. Much reliance cannot be placed on the certificates alleged to have been issued by the Village Revenue Officer when a categorical assertion is made by the respondents-authorities that the revenue entries for the Fasli 1411 itself are tampered.

In the facts and circumstances of the case and on account of the prohibition contained in the relevant provisions of the Act, this Court is not inclined to issue any direction or order to the respondents to grant pattas in favour of the petitioners. Even assuming that the petitioners are in occupation of the subject lands, their occupation clearly is in violation of the provisions of the Act. However, considering the fact that the petitioners are illiterates and purely dependent on agriculture, I deem it appropriate to direct the 4th respondent-Tahsildar to explore the feasibility of granting alternative lands to the petitioners for their cultivation in accordance with the notified schemes of the Government which are in force.

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel to the dismissal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

11.06.2015

bcj

