

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

Writ Petition No.15720 of 2012

Dated 15th July, 2015

Between:

Parisuddha Christava Ministries

...Petitioner

And

State of Andhra Pradesh, rep.by its Principal Secretary, Forest
Department, Hyderabad and others

...Respondents

Counsel for the petitioner: Sri P.Veera Reddy
for Sri Karii Murali Krishna

Counsel for the respondents: AGP for Forests (AP)

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to declare the action of the respondents in threatening to demolish a Church along with old-age home in premises bearing Door No.7-2, in an extent of Ac.0.90 cents, in Katrenipadu Village, Musunuru Mandal, Krishna District as illegal and arbitrary.

The petitioner, which is an organization belonging to Christian Community, claims that it is in occupation of land admeasuring Ac.0.90 cents in R.S.Nos.398, 399 and 400 of Katrenipadu Village, Musunuru Mandal, Krishna District (hereinafter referred to as 'the subject property'), and that it has constructed buildings and sheds over the subject property and has been paying house tax to Gram Panchayat and obtained electricity connections to the said buildings. The petitioner further averred that its members have been conducting

prayers in the Church building, besides running Orphan and old-age homes and re-habilitation centre for HIV affected patients. It is further averred that after completion of the building comprising three floors for old-age home, the forest Officials have been interfering with the subject property on the ground that it is a reserve forest. The petitioner has, therefore, filed the present writ petition for the above-mentioned relief.

In the counter affidavit filed by respondent No.4, it is *inter alia* stated that the subject property is notified as reserve forest under Section 4 of the A.P.Forest Act, 1967 (for short 'the Act'), that the same forms part of Katrenipadu Forest Block in R.S.No.454/1 (Compartment No.135) and that since 1990-91, the Forest Department has been booking cases against the petitioner for encroachment.

At the hearing, Sri P.Veera Reddy, learned Senior Counsel appearing for the petitioner, submitted that the Forest Department has not initiated any action against the petitioner, except filing DOR cases for the alleged encroachment and that they cannot interfere with the petitioner's possession unless they follow due procedure.

Under Section 20(3) of the Act, where a person contravenes the provisions of sub-clause (ii) or sub-clause (vii) of Clause (c) of sub-section (1), the Officers authorised by the said provision may evict the person from the forest or the land, pertaining to which the contravention has taken place and remove any building or other construction or anything grown or deposited on it. The proviso thereof envisages an opportunity to be given to the person likely to be affected before any such action is taken. In the light of this procedure prescribed by the Act, the Forest Department needs to follow the same if it finds that the petitioner is in occupation of reserve forest.

Accordingly, the writ petition is disposed of directing respondent No.4 to follow the procedure under Section 20(3) of the Act if the petitioner is found in possession of the reserve forest.

As a sequel to disposal of the writ petition, WP.M.P.No.20285 of

2012 and W.V.M.P.No.2208 of 2012 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

15th July, 2015
VGB