

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.44989 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is preferred by the petitioner seeking the following relief:

“ ... to issue a Writ, Order or direction more in the nature of Mandamus declaring the action of the Forest officials in unilaterally treating the lands of the petitioner in Sy.No.578/8 to an extent of 5-00 acres and Sy.No.578/10 to an extent of 5-00 acres situated at Sudimella Gram Panchayat of Yellandu Mandal, Bhadracharya Kothagudem District, as Forest lands without conducting any joint survey by the revenue and forest departments as illegal, arbitrary”

Heard the learned counsel for the petitioner and the learned AGP for Revenue and the learned GP for Forests for respondents. With their consent, the writ petition is disposed of at the stage of admission itself.

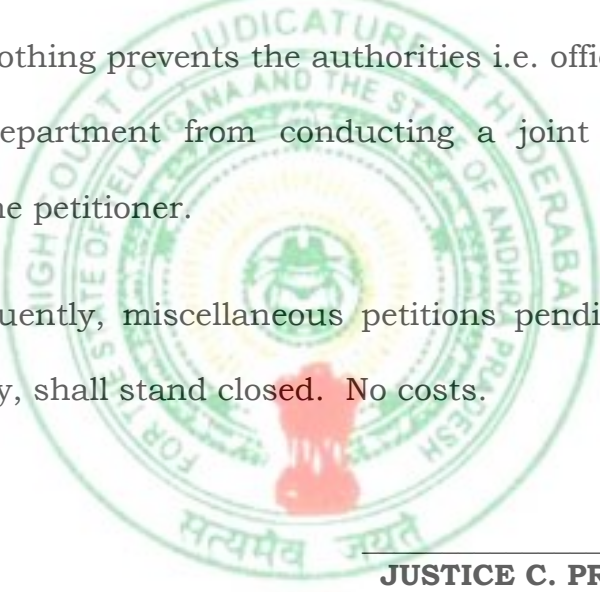
Though various grounds are raised in the Writ Petition, the learned counsel for the petitioner restricts his prayer and submits that though the petitioner submitted a representation on 03.10.2016 complaining about the high handed action of the forest officials, till date no orders are passed. As such, a suitable direction may be given for disposal of said representation.

As seen from the material on record, along with the representation dated 03.10.2016, the petitioner appears to have filed copies of Supplementary Sethwar, Assignment Patta, ROR-1B, Proceedings of RDO, Proceedings of FRO and map.

Learned GP for Forests submits that the land, which is the subject matter of dispute, is a forest land, as such, the question of conducting survey does not arise.

Having regard to the rival submissions made, the Writ Petition is disposed of directing the 4th respondent-The Revenue Divisional Officer to deal with the representation dated 03.10.2016 made by the petitioner and pass appropriate orders thereon, in accordance with law, after hearing the petitioner and aggrieved persons, if any, within a period of two months from the date of receipt of a copy of this order. It is needless to mention that, in the meanwhile, nothing prevents the authorities i.e. officials of revenue and forest department from conducting a joint survey in the presence of the petitioner.

Consequently, miscellaneous petitions pending in this writ petition, if any, shall stand closed. No costs.



JUSTICE C. PRAVEEN KUMAR

22.12.2016
sur