

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No. 24325 of 2007

Order:

The petitioner, which is a Society, filed the present Writ Petition when there was an attempt by the respondents 2 and 3 to dispossess the members of the petitioner-Society from the land in their possession and enjoyment in Survey No.62/53 of Palukuru Grampanchayat, Gutlapalli Revenue Village, Bollapalli Mandal, Guntur District. It is their case that the members of the petitioner-Society belong to Scheduled Tribe community and they were in possession of small extents of land where they were living by raising huts. They were given possession certificates and Ration Cards by the Revenue Department and their names were included in the house hold survey conducted in the year 2000. There was a poramboke dry land in the same village and the members of the petitioner-Society occupied small extents of land and were cultivating. However, during July 2007 the respondents 2 and 3 visited the village and raised objection with regard to houses and the cultivation undertaken by them. In those circumstances, the present Writ Petition was filed.

A counter affidavit was filed by the respondents 2 and 3 stating that the area falls in Bollapalli Extension-IV Reserve Forest. The petitioners are encroachers. The President of the petitioner-Society is not a *bona fide* resident of Yerravani Chenchu Colony, Palukuru Grampanchayat, Bollapalli Mandal and she and her husband are landlords who are residing in Sangam village, Kanumalacheruvu Panchayat, Bollapalli Mandal. They wanted to grab the Forest land and in order to protect the said land the respondents 2 and 3 objected to the activity of the members of the petitioner-Society. The Forest was notified way back

on 15.01.1895 under Section 16 of the Madras Forest Act. The issuance of Ration Cards and other documents do not go against the notification of Reserve Forest. However, this counter affidavit is supplemented by additional counter affidavit filed in September 2013 stating that a joint inspection was conducted on 17.08.2011 by the District Welfare Officer, Guntur and the concerned Forest Officials. Some people filed W.P. No.9601 of 2011 and this Court, by order dated 20.06.2011, directed the District Collector, Guntur to consider the representation of the petitioners and pass appropriate orders in accordance with law. The encroachments were made by the Tribals on 13.12.2005 and, if the encroachers are genuine Tribals they are entitled for title deeds under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (for short 'RoFR Act'). But, the verification of the actual beneficiaries has become difficult in view of the *inter se* dispute between two Tribal communities and the problem would be resolved by joint operation of Revenue, Tribal Welfare and Forest Officials with the assistance of the Police after vacation of the stay orders granted on 16.11.2007 and title deeds would be issued to the persons who are eligible under RoFR Act. The rest of the area would be evicted following due procedure under the Andhra Pradesh Forest Act, 1967.

This Court, on 16.11.2007, directed the respondents 2 and 3 not to interfere with the possession of the petitioner in Survey No.62/53 of Palukuru Grampanchayat, Guttapalli Revenue village, Bollapalli Mandal, Guntur District and seeking vacation of the same W.V.M.P.No.2354 of 2016 was filed by one Atavi Hakkula Committee who got themselves impleaded as respondent No.5 in the present Writ Petition. According to them, they belong to Lambadi community which is a Tribal community.

Nearly 60 families were residing in various tribal hamlets and they have been cultivating nearly 200 Acres of land in Survey No.62/53. They are entitled for title deeds as per the provisions of the RoFR Act and the Rules made thereunder. The total extent of land in Survey No.62/53 is 567 Acres, out of which as stated above they are in occupation of nearly 200 Acres. A Gram Sabha was conducted on 26.05.2008 and in the said meeting the President and Vice-President and some other committee members were elected. The writ petitioners are not Schedule Tribe community people but they have an eye on the land. They belong to backward class community.

As could be seen from the above averments of the petitioners and the fifth respondent, the land of an extent of 567 Acres, which was notified as Reserve Forest, is existing in Survey No.62/53. It is the case of the petitioners as well as that of the fifth respondent that they have occupied small extents of land and they are entitled for pattas under RoFR Act. The claim of the petitioners that they belong to Scheduled Tribe community is disputed by the fifth respondent. However, a joint inspection was conducted on 17.08.2011 and the process of granting title deeds is in progress. The third respondent filed an additional affidavit on 27.09.2016 stating that out of 38 members of the petitioner-Society, 14 members belong to Jakkula caste (BC-D) but not Scheduled Tribe.

In view of the dispute with regard to social status of the persons claiming title to the property, the respondents 2 and 3 are directed to verify the social status of the claimants who have filed claim petitions and their eligibility in accordance with the provisions of RoFR Act and take further proceedings in accordance with law. Till the final process of

verification and issuance of title deeds to the eligible people is completed, the members of the petitioner-Society shall not be evicted from the lands in their occupation. The entire process shall be completed within a period of three (3) months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

Date: 27.10.2016
Nsr



A.RAMALINGESWARA RAO, J