

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.9703 of 2014

ORDER:

The petitioners claim that they are residents of Annaraopet Village and Reddigudem Village of Reddigudem Mandal in Krishna District. It is their case that they have been cultivating small extent of Government land by raising mango garden and eking out their livelihood since more than thirty five years. They have given the details of the land under their cultivation. When respondent Nos.2 and 3 are trying to interfere with their possession and trying to dispossess them from their land on the ground that the said land falls within the forest area, the present Writ Petition is filed.

This Court, by order dated 28.03.2014, granted interim direction directing the respondents not to interfere and also enjoined the petitioners from encroaching into the forest land. Now a counter affidavit is filed along with a petition to vacate the said order stating that, as per adangal, the land in Survey No.311/1 is a forest land and mere existence of the mango garden having the age of 35 years does not confer any right on the petitioners. The total land in R.S.No.311 is Acs.2189.20. Out of the same, an extent of Acs.1577.00 was notified as Anneraopeta Reserve Forest under Section 15 of the Andhra Pradesh Forest Act, 1967, vide G.O.Ms.No.425, F & RD (For.III) Department, dated 23.10.1982. It was published in the Krishna District Gazette dated 05.05.1983. The land claimed by the

petitioners is falling within the boundary line of Anneraopeta Reserve Forest. The forest staff took geo-coordinates of the land and the map revealed that the land claimed by the petitioners is falling within the boundary line. In those circumstances only, action was sought to be taken under the provisions of the Andhra Pradesh Forest Act.

Learned Counsel for the petitioners submits that the revenue records clearly show the continuous possession of the petitioners for the last thirty five years and also show that it is a revenue land. He further submits that the assertion of the respondents that the land claimed by the petitioners fall within the forest land is not supported by any documentary evidence.

It is a question of fact whether the land claimed by the petitioners falls within the boundary line area or outside the forest area, and the said question of fact cannot be decided on the basis of the affidavits. The petitioners have to approach the competent civil Court for appropriate remedy.

In the circumstances, this Court is not inclined to entertain the present Writ Petition, but in view of the petitioners' long possession, they shall not be disturbed from the possession of the land for a period of three months from the date of receipt of a copy of this order. It is open to the petitioners to take appropriate civil proceedings for protecting their possession and title, if any.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

29.12.2016

vs

