

THE HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO

WVMP.No.237 of 2015 in WP.No.11432 of 2014

and

WP.No.11432 of 2014

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ORDER:

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In this Writ Petition, the petitioners seek a declaration that proceeding No.P3/429/2013 dt.06.01.2014 of 4th respondent as illegal and arbitrary, and to consequently hold that the said appeal filed by respondent nos.1 to 3 is not maintainable before 4th respondent.

2. The events in this case have a chequered history.

3. The 1st petitioner is owner of an extent of Acs.14.00 of land in Sy.No.127/22 (Old) Survey No.127/16, the 2nd petitioner is owner of Acs.14.00 in Sy.No.127/23 (Old) Survey No.127/17, and 3rd petitioner is owner of Acs.10.50 cents of land in Survey No.127/24 (Old) Survey No.127/18 of Kushnepalli village of Bezwada Mandal of Adilabad District. These are private patta lands of petitioners' vendors who had raised plantation by planting teak and non-teak trees.

4. Since the trees planted by petitioners' vendors had grown up, they intended to fell the tree growth and so an application was made on 02.05.2001 by them to 1st respondent seeking felling and transit permits for the tree growth along with a proforma application Annexure – I and other relevant documents as required under the Andhra Pradesh Forest Produce Transit

Rules, 1970.

5. The Mandal Revenue Officer, Bezwada also certified that the petitioners' vendors are exclusive owners and are entitled to the timber and the forest produce standing over the land, and he had also issued certificates of title in favour of petitioners herein dt.18.04.2006.
6. Since the issuance of transit permits was being delayed by respondents, the predecessors of petitioners made a representation to the then Chief Minister about the delay in issuing the transit permits.
7. In view of the said representation, the then Government directed, vide Memo dt.20.08.2004, a joint survey by officials of the Forest and Revenue Departments and also the Assistant Director of Survey and Land Records in the presence of the vendors of petitioners to ascertain whether the extent of Acs.38.50 cents belonging to petitioners in Survey No.127/22, 127/23 and 127/24 lies in the Gudem Reserve Forest or outside it, and send a report.
8. As directed by the Government, the Forest, Revenue and Survey Departments of the State conducted a joint survey and submitted a report through the Sub-Collector, Asifabad in Reference No.D/1441/2005 dt.20.07.2005 to the District Collector, Adilabad stating that the lands in Sy.No.127/22, 127/23 and 127/24 are patta lands, that they are adjacent to the boundary of the Gudem Reserve Forest and even the 1st respondent in a proceeding bearing No.3173/2001-S4 dt.01.07.2002 addressed to the Conservator of Forests

(Vigilance), Office of the Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad has opined that these lands were located outside the Gudem Reserve Forest line.

9. Basing on this letter of the Sub-Collector, Asifabad dt.20.07.2015, the Collector, Adilabad vide proceeding No.B2/5661/2004 dt.08.11.2005 informed the Prl. Chief Conservator of Forests, Government of A.P that as per the joint survey report dt.30.06.2005, the lands in question are patta lands having tree growth and are outside the Gudem Reserve Forest.
10. But the 1st respondent by proceeding R.C.No.3173/2001-S4 dt.31.03.2006 rejected the application for grant of transit permits to petitioners' vendors stating that the subject land falls in the catchment area of the River Pranahita and felling of trees would cause ecological degradation in the area and the area would become ecologically fragile and imbalanced. He also quoted a judgment of the Supreme Court in WP (Civil) No.202 of 1995 dt.22.08.1995 (reported as **T.N. Godavarman Thirumalphad v Union of India**) and observed that the Supreme Court had ordered that the Government should take into consideration ecological balance of area with respect to vegetation cover.
11. Thus, the rejection by him of request of petitioners' vendors to issue the transit permits was not on the ground that the subject land fell within the Gudem Reserve Forest area but on this new and totally different ground. Basing on this, the Principal Chief Conservator of Forests also declined to grant any relief to petitioners.

12. This was questioned by petitioners by filing WP.Nos.16868 and 16881 of 2006 in this Court. Even before this Court reliance was placed by the State on **T.N. Godavarman Thirumulphad** (1 supra).
13. The learned Single Judge followed the judgment of the Calcutta High Court in Sri **Sriram Saha and others v. State of West Bengal** wherein the Calcutta High Court observed that the observations made by the Supreme Court in the said decision do apply to felling of trees in private plantation comprising of trees planted in an area which is not a forest and that the Supreme Court itself has observed in the above decision that the ban will not affect felling in any private plantations comprising of trees planted by private persons and in such plantations , felling will be strictly in accordance with law. He therefore held that since the petitioners' lands are not part of any forest, petitioner cannot be denied permission to fell trees or transport them. He also observed that petitioners' lands do not form part of Gudem Reserve Forest as per the joint survey conducted on 04.04.2005 in which the Sub-Divisional Forest Officer, Kagazguda participated along with Assistant Director, Survey and Land Records, Adilabad, Mandal Revenue Officer, Mandal Revenue Inspector and Mandal Surveyor of Bezwada Mandal. The learned Judge also held that if there is any dispute as to identity of the land in the context of granting felling permits, the certificate issued by the Revenue Officer has to be treated as conclusive and relied on Rule 5 of the Andhra Pradesh Forest Produce Transit Rules, 1970. The Court therefore held that the rejection of the application of petitioners was on irrelevant and non-existent grounds and directed the 1st respondent to pass fresh

orders in two (02) weeks keeping in view the findings recorded by it.

14. This order of the learned Single Judge was questioned by 1st respondent in W.A.Nos.601 and 634 of 2007.
15. On 09.08.2007, in W.A.No.601 of 2007, the then Principal Chief Conservator of Forests, Hyderabad filed a sworn-in-affidavit stating that he had addressed a letter dt.07.08.2007 to the Special Chief Secretary to Government, Environment, Forests, Science and Technology, Department asking for a joint survey again to be conducted by a higher level by the Commissioner, Survey and Land Records, Hyderabad about the location of Survey Nos.127/22, 127/23, and 127/24 with reference to the Gudem Reserve Forest, and that the Forest Department would be bound by the result of the joint survey which would be conducted by the Commissioner, Survey and Land Records giving a solution to the issue.
16. Basing on this affidavit, on 30.08.2007, in W.A.No.601 of 2007, the Division Bench of this Court directed a fresh joint survey to be conducted by the Commissioner, Survey and Land Records, Hyderabad in the presence of both parties and to submit a report based on such survey to the Court within one (01) month.
17. Thereafter, a report dt.09.02.2008 was submitted to this Court by the Commissioner, Survey and Land Records stating that in the joint survey conducted in the presence of officials of Revenue Department, Forest Department as well as the petitioners, it was found that the subject lands are outside the Forest boundary.
18. After the said report was filed, the Court impleaded the District

Collector, Adilabad and the Mandal Revenue Officer, Bezwada, Adilabad District in W.A.No.634 of 2007 on 07.07.2008 and directed them to ascertain and file an affidavit as to whether petitioners are owners of the subject lands, and if so, from whom they purchased the lands and whether their names had been mutated in the Revenue Records. It also directed them to ascertain as to who was in actual possession of the land and also file a sketch showing the details of the land. On the basis of this direction, an affidavit was filed on behalf of District Collector, Adilabad and the Mandal Revenue Officer, Bezwada by the latter official categorically asserting that the petitioners are the owners of the subject land; that it is covered with tree growth, and was being guarded by men of petitioners. Thus the possession of the petitioners was also proved.

19. Ultimately, both the Writ Appeals were disposed of on 29.04.2011. The Division Bench, for certain reasons indicated in the said order, again directed the Deputy Director of Survey Settlement and Land Records to issue necessary notice to the Revenue Officials, Writ Petitioners as well as officials of the Forest Department, and then directed them to identify the Gudem Forest area and decide the issue afresh i.e., whether the petitioners' lands fall within the said Reserve Forest or not within two (02) months from the date of issuance of such notice. It further directed:

“on such identification, if ultimately the land falls outside the Reserve Forest area, the Divisional Forest Officer shall pass fresh orders on the application filed by writ petitioners for transit permits on the basis of the report of the Deputy Director of Survey, Settlement and Land Records”.

20. After the Writ Petition was disposed of, the Regional Deputy

Director, Survey and Land Records, Hyderabad conducted a survey as directed in the above order passed by the Division Bench in W.A.Nos.601 and 634 of 2007, and concluded that the subject land is located in R.S.No.127/22, 127/23 and 127/24 of Kushnepalli village, that it is located in Revenue land and not in Reserve Forest land.

21. Since the respondents were not issuing transit permits in spite of the above report of the Regional Deputy Director, Survey and Land Records dt.22.11.2012, the petitioners were constrained to file Contempt Case No.680 of 2013 contending that since identification was made in the said report that petitioners' lands are outside the Reserve Forest area, the Divisional Forest Officer has to pass a fresh order on the petitioner's application for transit permits, but he has not done so, and thereby, he willfully violated the orders passed by this Court in W.A.Nos.601 and 634 of 2007.
22. Counter-affidavit was filed by respondents therein alleging that the report of the Regional Deputy Director, Survey and Land Records had been questioned by respondents by way of an appeal under Section 158 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli before the 4th respondent on 01.03.2013, that on 13.06.2013, the said Appellate Authority had stayed the said survey report and that was the reason why the petitioner's application for grant of transit permits was not considered.
23. In view of the said stand taken by respondents, the Division Bench observed that an appeal having been preferred against

the survey report dt.22.11.2012 of the Regional Deputy Director, Survey and Land Records, which appeal is pending adjudication, the said report cannot be said to be conclusive and binding on the respondents. *It observed that it also entertained a doubt with regard to maintainability of the appeal under Section 158 before 4th respondent, but the issue of maintainability of the appeal does not arise for consideration before it and the parties are free to agitate the said issue, if they so desire, before the said Appellate Authority.* It therefore, opined that there was no willful or deliberate disobedience of the directions of this Court in W.A.Nos.601 and 634 of 2007, and therefore, the respondents cannot be punished for Contempt of Court.

24. While dismissing the Contempt case, the Division Bench also observed that there cannot be said to be any deliberate or willful violation of the direction of the Court '*since the respondents have a legitimate right*' to question the survey report of the Regional Deputy Director, Survey and Land Records, Hyderabad.
25. Before the 4th respondent, who had entertained the appeal of respondents 1 to 3 against the report dt.22.11.2012 of the Regional Deputy Director, Survey and Land Records, Hyderabad, the petitioners filed a counter contending that the said appeal itself is not maintainable.
26. By the impugned order dt.06.01.2014, relying on the observations in the Contempt Case No.680 of 2013 that the Forest Department had a legitimate right to question the survey report of the Regional Deputy Director, Hyderabad, the 4th respondent held that the appeal is maintainable under Section

158 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli. He held that since a decision/order was passed by a Revenue Officer i.e., the Regional Deputy Director, who was part of the establishment of the Commissioner, Survey, Settlement and Land Records, the 4th respondent, a superior officer, he can entertain such an appeal.

27. Challenging this order, the petitioners have approached this Court.

28. Heard Sri D. Prakash Reddy, Senior Counsel appearing for Sri M. Dhanajaya Reddy, and the learned Government Pleader for Forests.

29. The counsel for petitioners contended that the order dt.06.01.2014 of 4th respondent is contrary to law and the decision of the Division Bench dt.29.04.2011 in W.A.Nos.601 and 634 of 2007. He contended that the survey report, having been submitted as per direction of this Court in the said Writ Appeals, and this Court, not having left any scope for the respondents herein to question the same before any authority or Court, the appeal under Sec.158 challenging the said report, is not maintainable and that as per the judgment in the Writ Appeal, the survey report dt.22.11.2012 of the Regional Deputy Director, Survey and Land Records is final and binding. He also pointed out that an undertaking had been given by the Forest Department through the then Principal Chief Conservator of Forests that the Forest Department would be bound by the Survey dt.09.08.2007 in the above Writ Appeals and it was not open to the respondents to now challenge the survey report. He contended that the survey had not been conducted as per

provisions of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli or the Andhra Pradesh Survey and Boundaries Act, 1923 and therefore, the appeal under the said statutes is not maintainable. He contended that the 4th respondent could not have relied upon observations in the Contempt Case No.680 of 2013 about the alleged legitimate right of respondents 1-3 to question the survey report pointed out that the Division Bench itself, while deciding the said contempt case specifically stated that it is not going into the issue of maintainability of appeal filed before the 4th respondent. He pleaded that the observation about the legitimate right to file the appeal was only made in the context of deciding whether there was any willful disobedience on the part of respondents of directions in the Writ Appeal. He further contended that the interpretation placed by respondents on the order in the Contempt Case cannot be such as to nullify or modify the order in the Writ Appeals in any manner, and it has to be understood only in a manner which is consistent with the order in the Writ Appeals.

30. The learned Government Pleader for Forests refuted the above contentions and contended that the appeal filed by respondent nos.1 to 3 before the 4th respondent is maintainable under Section 158 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli since the Regional Deputy Director, Survey and Land Records, Hyderabad, who conducted the survey and filed the report dt.22.11.2012 is a Revenue Officer as defined under Section 2 Clause (1) and Clause (1)(a) of the said Act; that the said appeal was also maintainable before the 4th

respondent under Section 11 of the Andhra Pradesh Survey and Boundaries Act, 1923 since there was a dispute between the boundaries which has to be resolved by way of survey; that the objections as to maintainability of the said appeal raised by petitioners are unsustainable; that the High Court in Contempt Case No.680 of 2013 had observed that the Forest Department had a legitimate right to question the survey report of the Regional Deputy Director, Survey and Land Records, Hyderabad; and therefore, it has to be construed that there is a finding regarding maintainability of the appeal in the order in the Contempt Case No.680 of 2013. She also contended that the Regional Deputy Director, Survey, Settlement and Land Records did not follow the basic principles of survey while conducting the inspection of the subject lands and ignored the material furnished by respondents, that the survey was not done by the Regional Deputy Director taking into account the views of respondent nos.1 to 3, and so the respondent nos.1 to 3 were entitled to question it. She also contended that the land claimed by petitioners falls in the Gudem Reserve Forest area which is notified vide G.O.Ms.No.546 dt.13.03.1958 and that there is no power in the vendor of petitioners to sell the subject land to petitioners and the sale deeds in their favour are null and void;. She relied upon the decision in **District Collector, R.R. District and another v. G. Dayakar and others**, and contended that even if the survey is directed by a direction of this Court in a Writ Petition, an appeal under Section 158 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli is maintainable.

31. I have noted the submissions of both sides.

32. There is no dispute that in Writ Appeal Nos.601 and 634 of 2007, the Division Bench of this Court on 29.04.2011 disposed of the appeals observing as follows :

“... .. Therefore, the Forest Officials are hereby directed to submit all the relevant documents with the Deputy Director of Survey, Settlement and Land Records within four weeks from today and on such furnishing the documents, the Deputy Director of Survey, Settlement and Land Records shall issue necessary notice to the revenue officials and also the writ petitioners and their representatives for identifying the forest area and decide the issue afresh whether the forest area (sic. the petitioners' lands) falls within the reserve forest or not, after giving an opportunity to all the concerned. The entire exercise shall be completed within two months from the date of such notice. On such identification, if ultimately the land falls outside the reserve forest area, the Divisional Forest Officer shall pass fresh orders on the application filed by the writ petitioners for transit permits on the basis of the report of the Deputy Director of Survey, Settlement and Land Records.”

With the above directions, the Writ Appeals and Writ Petitions are disposed of. No costs.”

33. From the above order, it is clear that the Division Bench directed the Deputy Director, Survey, Settlement and Land Records to conduct survey and decide whether the lands of petitioners fall within the Reserve Forest or not after giving opportunity, and further directed that “*on such identification, if ultimately the land falls outside the Reserve Forest area, the Divisional Forest Officer shall pass fresh orders on the application filed by writ petitioners for transit permits on the basis of the report of the Deputy Director of Survey, Settlement and Land Records*”. After this order was passed, the Regional Deputy Director, Survey and Land Records conducted the survey and submitted a report dt.22.11.2012 holding that the subject lands are Revenue lands and do not fall in the Reserve Forest area.

34. The question arises whether this report can be challenged by

way of an appeal under Section 158 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli when the Division Bench in its order dt.29.04.2011 in W.A.Nos.601 and 634 of 2007 directed the 1st respondent to pass orders on the application filed by writ petitioners for transit permits *on the basis* of the said report of the Regional Deputy Director dt.22.11.2012.

35. In my considered opinion, if the Division Bench had merely directed a survey to be done by the Regional Deputy Director, Survey and Land Records, Hyderabad, without directing further that the grant or refusal of transit permits should depend on the said report, then it is possible to entertain a contention by respondent nos.1 to 3 that they can challenge the report of Regional Deputy Director before 4th respondent. Once this further direction is also part of the Writ Appeal order, any scope for respondent nos.1 to 3 to dispute correctness of the said report by filing an appeal before 4th respondent, in my considered opinion, is shut out.

36. If, at any point of time, the respondent nos.1 to 3 disputed the capability of Regional Deputy Director to conduct a proper survey as per direction in the order dt.29.04.2011 in W.A.Nos.601 and 634 of 2007, they should have sought a review of the said order from the same Division Bench or challenged the order of the Division Bench in the Supreme Court. They have not chosen to do so. Therefore, it is not now open to them to contend that they are entitled to question the report of the Regional Deputy Director, Survey and Land Records dt.22.11.2012 before 4th respondent by way of appeal

under Section 158 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli.

37. It is also important to understand why the Division Bench in its order dt.29.04.2011 gave this further direction to act on the basis of the report of the Regional Deputy Director, Survey Settlement and Land Records. Obviously, the Division Bench felt that the issue of transit permits was been pending since 02.05.2001, almost ten years prior to its order, and a finality needed to be accorded to the issue. In the light of this circumstance, the respondent nos.1 to 3 cannot be allowed to keep the issue lingering as they have done from the date the Writ Appeals were disposed of i.e., 29.4.2011 till today (which is almost five years later).
38. The argument of the learned Government Pleader based upon the observations in the order dt.19.08.2013 in C.C.No.680 of 2013 that the respondent nos.1 to 3 have a legitimate right to question the report of the Regional Deputy Director, is also misplaced for the reason that in para.9 of the said order itself, the Division Bench observed that the question of maintainability of appeal under Section 158 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli does not directly arise for its consideration and that the issue is left to the parties to agitate before the 4th respondent. Had this observation not been there, it was possible to take a view that may be the respondent nos.1 to 3 were held by the Division bench which decided the Contempt Case to be entitled to question the report dt.22.11.2012 of the Regional Deputy Director.
39. Therefore, the observation in para.10 of the said order

suggesting that respondent nos.1 to 3 had a legitimate right to question the survey report of the Regional Deputy Director ought to be understood only in the context of the question raised in the contempt case as to whether there was a deliberate and willful violation of the order dt.29.04.2011 in Writ Appeal Nos.601 and 634 of 2007, and it cannot be understood as an expression of opinion as to the maintainability of the appeal itself.

40. This reasoning would also follow from the settled legal principle that while considering a contempt plea, a court cannot widen the scope of the order whose contempt is alleged and cannot review the order whose contempt is alleged as observed in **Sudhir Vasudeva, Chairman and Managing Director, Oil and Natural Gas Corporation Limited and Others v. M. George Ravishekaran and Others**. The Supreme Court held in this decision that, while exercising contempt jurisdiction, no order or direction supplemental to what has been already been expressed should be issued by the Court since such an exercise is appropriate only when it is exercising corrective jurisdiction like review or appeal. This Court observed at para.19 of the above judgment as follows :

“19. The power vested in the High Courts as well as this Court to punish for contempt is a special and rare power available both under the Constitution as well as the Contempt of Courts Act, 1971. It is a drastic power which, if misdirected, could even curb the liberty of the individual charged with commission of contempt. The very nature of the power casts a sacred duty in the Courts to exercise the same with the greatest of care and caution. This is also necessary as, more often than not, adjudication of a contempt plea involves a process of self-determination of the sweep, meaning and effect of the order in respect of which disobedience is alleged. The Courts must not, therefore, travel beyond the four corners of the order which is alleged to have been flouted or enter into questions that have not been dealt with or decided in the judgment or the order violation

of which is alleged. Only such directions which are explicit in a judgment or order or are plainly self-evident ought to be taken into account for the purpose of consideration as to whether there has been any disobedience or wilful violation of the same. Decided issues cannot be reopened; nor can the plea of equities be considered. The Courts must also ensure that while considering a contempt plea the power available to the Court in other corrective jurisdictions like review or appeal is not trenched upon. No order or direction supplemental to what has been already expressed should be issued by the Court while exercising jurisdiction in the domain of the contempt law; such an exercise is more appropriate in other jurisdictions vested in the Court, as noticed above. The above principles would appear to be the cumulative outcome of the precedents cited at the Bar, namely, Jhareswar Prasad Paul v. Tarak Nath Ganguly, V.M. Manohar Prasad v. N. Ratnam Raju, Bihar Finance Service House Construction Coop. Society Ltd. v. Gautam Goswami and Union of India v. Subedar Devassy PV.”(emphasis supplied)

41. In **Bhushan Power and Steel Limited and Others v. Rajesh Verma and Others**, the Supreme Court has also held that after a decision inter parties has attained finality, its implementation cannot be avoided, withheld or refused even on the ground that there is subsequent change in law. The Court reiterated that if any party is aggrieved by the order which in its opinion is wrong or against rules or its implementation is neither practicable nor feasible, it should always either approach the Court that passed the order or invoke the jurisdiction of the appellate court. The rightness or wrongness of the order cannot be urged in contempt proceedings. Right or wrong, the order has to be obeyed. While dealing with the application for contempt, it reiterated that the Court cannot traverse beyond the order, the non-compliance with which is alleged. It cannot test the correctness or otherwise of the order or give additional direction or delete any direction while dealing with an application for initiation of contempt proceeding. That would be exercising review jurisdiction. Similar view has been expressed in **T.R. Dhananjaya v. J. Vasudevan** and **Prithawi Nath Ram v. State of Jharkhand**.

42. In view of these legal principles, any observation made in C.C.No.680 of 2013 cannot be understood as conferring of right on respondent nos.1 to 3 to challenge the order of the Regional Deputy Director, Survey and Land Records when the Division Bench while disposing of the Writ Appeals directed that the application of petitioners for issuance of transit permits should be decided on the basis of the said report of the Regional Deputy Director, Survey and Land Records. If the interpretation, as placed by respondent nos.1 to 3, is accepted, then it would amount to holding that this Court in exercise of its contempt jurisdiction while deciding C.C.No.680 of 2013 had taken away the finality given to the report of the Regional Deputy Director, Survey and Land Records by allowing it to be challenged before the 4th respondent. This cannot be. So I am of the opinion that respondent nos.1 to 3 cannot avoid the implementation of the report of the Regional Deputy Director under any circumstances or challenge it in the appeal filed before 4th respondent.

43. The decision in **G. Dayakar and others** (2 supra), cited by the learned Government Pleader for Forests, is clearly distinguishable. In that case, no doubt, the survey was directed by the High Court in a Writ Petition, but there was no further direction in that Writ Petition to act on the basis of the survey report. In those circumstances, the Division Bench was of the view that the report of the Regional Deputy Director, who conducted the survey, cannot be treated as an order passed in the Writ Petition itself and cannot bind the parties to the Writ Petition. In fact, even in the said case, the Division Bench refused to express any opinion about the maintainability of the appeal before the Commissioner, Survey, Settlement and Land

Records, Hyderabad and left it open to parties to raise the said contention before the said Officer.

44. In my considered opinion, the respondent nos.1 to 3 have successfully frustrated the petitioners for fifteen years by refusing to give transit permits for the tree growth in their lands in spite of the fact that the report dt.20.07.2005 of the Sub-Collector, Asifabad, the report dt.09.02.2008 of the Commissioner, Survey and Land Records and the report dt.22.11.2012 of the Regional Deputy Director, Survey and Land Records went against the claim of respondent nos.1 to 3 that the subject lands fall within the Reserve Forest. The conduct of respondent nos.1 to 3 has, therefore, to be held to be purely vexatious.
45. Therefore, the Writ Petition is allowed; the appeal filed by respondent nos.1 to 3 before 4th respondent under Section 158 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli is declared as not maintainable; and the proceedings Appeal No.P3/429/2013 pending before the 4th respondent are quashed. Consequently, the respondent nos.1 to 3 are directed to furnish felling and transit permits to petitioner and comply with the direction dt.29.04.2011 in Writ Appeal No.s601 and 634 of 2007 on the basis of the report of the Regional Deputy Director, Survey and Land Records, Hyderabad. The respondent nos.1 to 3 shall also pay costs of Rs.5,000/- to petitioners. Consequently, W.V.M.P.No.237 of 2015 is dismissed.
46. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 04-02-2016

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