

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.11589 of 2012

ORDER:

1. This writ petition was filed by the petitioners challenging the interference of respondents 4 and 5 in their lands situated in various survey numbers in Toomkunta village, Galiveedu Mandal, Y.S.R.District, on the assumption that they were handed over to them for inclusion in the forest land.
2. The petitioners state that they were issued pattadar pass books and title deeds and they have been in possession and enjoyment of the said lands. It appears that certain extent of forest land at Kothagudem was diverted for Singareni Collieries Limited, Kothagudem and in lieu of the same some extent of Government land is sought to be handed over to the Forest Department. In that process, the petitioners alleged that respondents 4 and 5 are interfering with their lands.
3. A counter-affidavit was filed by the 4th respondent stating that there was a proposal for compensatory afforestation plantation in Sy.No.542 over an extent of Ac.520.00 cents of Thumukunta village of Galiveedu Mandal in lieu of reserve forest land required for Singareni Collieries Limited Coal Project, Kothagudem, Khammam District. Accordingly, the said land was handed over to the Forest Department towards compensatory afforestation. The said land is classified as un-assessed waste land. The revenue records were also mutated in favour of the Forest Department. While so, a Joint

Inspection of the compensatory afforestation land of Ac.520.00 handed over to the forest department in Sy.No.542 in Thoomukunta village was conducted on 27.01.2015 by the Revenue Divisional Officer, Divisional Forest Officer, Kadapa, Forest Range Officer, Rayachoty, Deputy Tahsildar and Mandal Surveyor, Galiveedu and it was proposed to eliminate an extent of Ac.155.46 cents including the land in the gap area of Sy.No.542 from the compensatory afforestation land. The land in an extent of Ac.73.64 cents where the petitioners claim to have been in possession is also proposed for elimination from the compensatory afforestation land. The Tahsildar, Galiveedu, submitted proposals to the District Collector, Kadapa on 28.01.2015 along with the Map and orders are awaited from the revenue authorities in this regard.

4. In view of the statement made in the counter-affidavit and also in view of possession of pattadar passbooks and title deeds by the petitioners, respondent Nos.4 and 5 are restrained from interfering with the lands held by the petitioners.

5. The Writ Petition is accordingly allowed. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

15-12-2016
Gsn