

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

[Special Original Jurisdiction]

THURSDAY THE TENTH DAY OF MARCH
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 21445 OF 2011

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Between:

Macherla Uppalaiah & Anr. ... Petitioners

V/s.

State of Telangana
Rep.by its Prl. Secretary,
Environment, Forest, Science &
Technology Development,
Secretariat, Hyderabad & Ors. Respondents

Counsel for the Petitioner : Sri V. Ravi Kiran Rao

Counsel for the Respondents: GP for Forest

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

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WRIT PETITION NO. 21445 OF 2011

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ORDER:

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The petitioners pray for mandamus directing the respondents 1 to 4 not to dispossess or interfere with the possession and enjoyment of the petitioners of survey Nos.273/7, 273/8, 273/9, 273/10, 273/11, 40/1 and 41 in an extent of Ac:4-00, Ac:5-00, Ac:5-00, Ac:3-00, Ac:4-30, Ac:0-12 guntas, and Ac:1-03 guntas situated at Vemnoor village, Mahbubabad Mandal, Warangal district.

2. The petitioners assert that they are the owners and possessors of the subject matter of the writ petition. The petitioners further allege that the subject matter of the writ petition is not forest land and either dispossession or interference by respondents 1 to 4 is unauthorized and illegal.

3. The third respondent filed detailed counter-affidavit together with annexures and the gist of third respondent's case is that the subject matter of the writ petition for which title and

possession are claimed by the petitioners was and is forest land.

On 21/6/2013 survey of forest land was conducted and the survey concludes that the subject matter falls within the forest area and the petitioners cannot claim, right and possession to the lands.

4. Learned counsel for the petitioners raises objection against the survey conducted by the department and submits that if fresh survey in the presence of petitioners is conducted and carried out by looking at the records maintained by respondents 4 to 7 and if ultimately transpires the subject matter as forest land, quietus is given to the litigation and the petitioners are willing to voluntarily vacate from the subject matter of the writ petition.

5. Learned Government Pleader submits that the Forest Department does not have any objection to undertake fresh survey of subject matter of the writ petition in the presence of respondents 5 to 7. The submissions of learned counsel appearing for the parties are placed on record.

6. The writ petition is disposed of by the following order:

i) The Divisional Forest Officer, Warangal is directed to issue notice of survey of subject matter of the writ petition to the

petitioners as well as respondents 5 to 7 within four weeks from the date of receipt of a copy of this order. On receipt of notice, the sixth respondent is directed to participate in the survey and fix the boundaries according to the records produced by the parties and submit a report to the Divisional Forest Officer, Warangal/second respondent. If in the survey, it transpires that the subject matter of the writ petition falls within the forest area the petitioners are given a further time of two months to vacate from the subject matter.

ii) The Divisional Forest Officer, Warangal/second respondent without fail completes the entire exercise within four months from the date of receipt of a copy of this order. It is needless to observe that in the survey if it transpires that the subject matter is not forming part of forest area, respondents 2 to 4/Divisional Forest Officer, Warangal, Sub-Divisional Forest Officer, Mahbubabad, Warangal district and the Forest Range Officer, Mahbubabad, Warangal district, are directed not to interfere with the possession of the petitioners except in accordance with law.

7. The writ petition is disposed of. No order as to costs.

8. As a sequel, miscellaneous petitions if any, pending in

this Writ Petition shall stand closed.

JUSTICE S.V. BHATT

10/03/2016
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HONOURABLE SRI JUSTICE S.V. BHATT

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Date: 10/03/2016
Circulation No.
Court Master: I s L