

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION Nos.35480 & 35515 OF 2016

COMMON ORDER:

W.P.No.35480 of 2016 is filed seeking to issue a writ or order more particularly, one in the nature of writ of *mandamus* to declare the action of the respondents herein in seeking to illegally dispossess the petitioners from the land in Kothagudem Range, Bodu Section, Compartment Nos.33 & 34, Kistaram Village, Gangaram Panchayat, Tekulapally Mandal, Khammam District without following the procedure established by law and not granting pattas as illegal, arbitrary, discriminatory and violation of Article 21 of the Constitution of India and further, to declare the action of the respondents in not considering the representation made by the petitioners on 1.10.2016 as illegal, arbitrary and violation of law, discriminatory and violation of the Scheduled Tribes and other Traditional Forest Dwellers (Reorganization of Forest Rights) Act, 2006 and other tribal laws and consequently, to pass such other order or orders, which this Court deems fit and proper in the circumstances of the case.

2. W.P.No.35515 of 2016 is filed seeking to issue a writ or order more particularly, one in the nature of writ of *mandamus* to declare the action of the respondents herein in seeking to illegally dispossess the petitioners from the land in Chatakonda Range, Kistaram Section, Compartment No.25, Siddharam Village, Gangaram Panchayat, Tekulapally Mandal, Khammam District without following the procedure established by law and not granting pattas as illegal, arbitrary, discriminatory and violation of

Article 21 of the constitution of India and further, to declare the action of the respondents in not considering the representation made by the petitioners on 1.10.2016 as illegal, arbitrary and violation of law, discriminatory and violation of the Scheduled Tribes and other Traditional Forest Dwellers (Reorganization of Forest Rights) Act, 2006 and other tribal laws and consequently, to pass such other order or orders, which this Court deems fit and proper in the circumstances of the case.

3. Since the issue involved in both the writ petitions is one and the same, they are being disposed of by way of this common order.

4. Heard and perused the material available on record.

5. The main grievance of the petitioners is that though they are cultivating the subject lands since several decades, the respondents are not granting pattas in their favour and in turn, they are trying to evict them from the subject lands on the ground of implementation of the “Haritha Haram” programme of the Government.

6. Learned Government Pleader for Forests submitted that the petitioners are not in possession of the subject lands as alleged by them and under the guise of possession, they want to disturb the “Haritha Haram” programme to be implemented by the Government.

7. Considering the rival contentions of both parties, this Court is of the view that the writ petitions can be disposed of with the following direction:

The respondents are hereby directed not to disturb the petitioners if they are in possession of the subject lands without following the due process of law.

8. Accordingly, both the Writ Petitions are disposed of. There shall be no order as to costs.

9. Miscellaneous Petitions pending, if any, in these Writ Petitions shall stand closed.

JUSTICE RAJA ELANGO

21.10.2016
AMD



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Date: 21.10.2016

AMD