

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.24941 of 2016

ORDER:

1 This Writ Petition is filed under Article 226 of the Constitution of India seeking writ of Mandamus to declare the action of the respondent authorities in threatening to dispossess the petitioners from the land admeasuring Ac. 10-00 gts., in Sy.No. 1/1 situated at Pocharam Shivar village, Khanapur Mandal, Warangal District, without issuing any notice and without following the procedure contemplated under the Law, as being illegal, arbitrary, unjust and violative of Article 21 of the Constitution of India, and consequently direct the respondent authorities not to take any coercive steps without following the due process of Law.

2 Heard the learned counsel for the petitioners and the learned standing counsel for the respondents.

3 The case of the petitioners is that they have been in possession and enjoyment of the forest land of an extent of Ac.5.00 each. The learned Government Pleader for Forests submitted that the petitioners are not in possession of the property in question. Whether the petitioners are in possession and enjoyment of the land in question is purely a disputed question of fact, which cannot be gone into by this Court, while exercising jurisdiction under Article 226 of the Constitution of India.

4 The apprehension of the petitioners is that the respondents are making hectic attempts to dispossess the petitioners from the forest land without following the due process of law. The further contention of the petitioners is that there is standing crop in the land.

5 Having regard to the facts and circumstances of the case, the respondents are hereby directed not to dispossess the petitioners from the forest land in question without following the due process of law.

6 With the above direction, this Writ Petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

T. SUNIL CHOWDARY, J

Date: 27.07.2016

Kvsn