HON'BLE SRI JUSTICE S.V.BHATT

W.P.Nos.1265, 2168, 4615, 4014 OF 2016

COMMON ORDER:

The parties as arrayed in W.P.No.1265 of 2016 are referred while disposing of these writ petitions.

Heard Mr.Ch.Venkata Raman for petitioners and learned Assistant Government Pleaders for Forests and Revenue for respondents.

The petitioners pray for Mandamus declaring the action of respondents in not conducting joint survey as directed by the Commissioner (Appeals) in proceedings No.LU/BCW4/353/2001 dated 20.10.2014, as illegal and violative of rights guaranteed under the Constitution of India.

The cause of action for filing the writ petitions is that the respondents without conducting survey of revenue and forest lands are interfering with the possession and enjoyment of assigned agricultural land in Sy.No.68 of Kacharam Village of Yerrupalem Mandal, Khammam District, further claiming the land as forest land.

To appreciate the grievance of petitioners, this Court finds it convenient to excerpt the relevant portion of the order of Commissioner (Appeals) dated 20.10.2014, which reads thus:

> "The case was called for hearing on 24.09.2014 and adjourned to 15.10.2014. Counsel for the appellants was not present. Special Government Pleader was present. Connected records are not made available.
>
> In view of the above, after perusing the material papers available in the file, and basing on the report of the District Collector, Khammam letter dt.19.09.2002, the case is remanded to the Collector, Khammam to conduct a

survey of the scheduled land and decide on the boundaries of Reserve Forest as per procedure duly giving notices to the assignees and take appropriate action as deemed fit.

Accordingly, the case is remanded back to Collector, Khammam.

SCHEDULE

District: Khammam Mandal: Yerrupalem Village: Kacharam

Sy.No.	Extent Ac.Cts	Status	Result
68	118-19	Government land	Remanded to conduct a survey to decide the boundaries of reserve forest and take appropriate action as deemed fit.

Learned counsel appearing for the parties submit that the respondents, in fact, during the pendency of these writ petitions, have conducted joint survey. Survey report dated 05.08.2016 together with location sketch are prepared. Hence, the 2nd respondent has to decide the issue whether Sy.No.68 is forest land or revenue land and assignments ought to be continued or cancelled. Therefore, petitioners request for direction to 2nd respondent to take a decision on the joint survey report dated 05.08.2016 and communicate the orders to both petitioners and respondents 3 and 4. After perusing the joint survey report dated 05.08.2016 and having regard to the scope of remand order dated 20.10.2014 of Commissioner (Appeals), I am satisfied the writ petitions can be disposed of by this order:

(a) Respondents 3 and 4 are directed to represent to 2nd respondent by enclosing a copy of this order within two weeks from today to take a decision on whether Sy.No.68 is forest land or revenue land and assignments in Sy.No.68 ought to be continued or cancelled;

(b) The 2nd respondent is directed to consider the representation of respondents 3 and 4, look into the survey report, sketch etc., and take a decision positively within two months from the date of receipt of request from respondents 3 and 4;

(c) The parties are directed to maintain *status quo* as regards possession and physical features of Sy.No.68 till a decision is taken and communicated to petitioners; and

(d) It is made clear that by reference to the *status quo* order now passed by this Court, the petitioners are not entitled to interfere or encroach into forest land and if such efforts are made, respondents 3 and 4 are free to act in accordance with law.

The writ petitions are, accordingly, disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, stand closed.

S.V.BHATT, J

14th July, 2017

Note:
CC in one week
B/o

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