

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

Criminal Petition No.23337 of 2017

ORDER:

Heard the learned counsel for the petitioners and also the learned Govt. Pleader for the Forest and perused the prayer in the writ petition with the supporting affidavit and the written instructions received by the learned Govt. Pleader. The prayer of the writ petition reads as follows:-

“To issue an appropriate writ, Order or direction especially in the nature of Writ of mandamus declaring the action of the respondents, particularly that of the respondents 3 and 4 in trespassing and attempting to destroy the Maize crop and to remove the two electrical motors including the pipes for dripping in an extent of Ac.2.85 in Sy.No.828/ 1 of Krishnanandi land situated in Kadamalakalva village, Nandyal Sub-District, Kurnool district as illegal, arbitrary, contrary to law and opposed to the principles of natural justice and direct the respondents not to trespass and destroy the Maize crop and not to remove the two electrical motors including the pipes for dripping in the said Ac.2.85 of land and pass such other and further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

It is the submission of the learned counsel for the petitioners with reference to sale deed bearing No.160/1990, dt.05.01.1990 obtained from Dommari Sanjeeva Kondamma etc., who shown got title from the previous owners by virtue of sale deed dated 16.08.1973 for the land in Sy.No.828/ 1 to an extent of Ac.2.85cents of Krishnanandi land situated in Kadamalakalva village, Nandyal Sub-District, Kurnool district also with reference to pattadar passbook and photo showing the land under cultivation in support of the claim of personal cultivation that the respondents are unauthorizedly trying to interfere by taking law into their hands without any sort of right. The written instructions

received by the learned Govt. Pleader and the submission with reference to it is that there was joint survey conducted at the District Level dated 11.09.2014 in the presence of the Divisional Forest Officer, Wild life, Nandyal; Asst. District Land Survey Department, Kurnool; D.1 Kurnool; Forest Range Officer, Nandyal; Deputy Tahsildar, Mahanandi; Deputy Range Officer, Ernapadu; Surveyor, Thimmapuram; Forest Section Officer, Gadigundam; V.R.O.Bukkapuram; Forest Beat Officer, Thimmapuram; Forest Beat Officer, Prema Beat; Assistant Beat Officer, Thimmapuram and V.R.A.Bukkapuram and the land shown in Sy.No.794 and the forest land including from revenue border GPS readings apart from other lands in Sy.No.811, 797 etc. It is not shown that the land in question covered by Sy.No.828/ 1 is part of the Forest land under said survey.

Having regard to the above, the Writ Petition is disposed of directing the respondents not to interfere with the possession and enjoyment of the petitioners only in respect of the Sy.No.828/ 1 and that too even if it is shown as Forest land not to evict except through due process of law.

Consequently, miscellaneous petitions, if any, pending in these Criminal Petitions, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 20.07.2017
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