

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.16709 of 2017

ORDER:

Heard the learned counsel for the petitioners and also learned Government Pleader for Forests for respondents and perused the prayer and affidavit filed in support of the writ petition along with material.

The prayer in the writ petition is as follows:

“To issue a writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the officials respondent Nos.2 to 4 in trying to dispossess the petitioners herein from the agricultural lands in Sy.No.190/100/3/AA to an extent of Ac.29.16 gts, Sy.No.190/100/2/A/1 to an extent of Ac.21.15 gts total extent of Ac.50.31 gts situated at Ramachandrapuram, Nellipaka Revenue Village, Ashwapuram Mandal, Khammam District without issuing any notice or proceedings is illegal and arbitrary and against the principles of natural justice and also violative of Articles 14, 19, 21 and 300-A of the Constitution of India and consequently to direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioners agricultural lands in question without due process of law and to pass such other order or orders.”

It is the claim of the 1st petitioner that it is their ancestral property and the respondents unauthorizedly trying to interfere by taking the law into their hands even they are in settled possession from decades together in respect of the property in question of Ac.50.31 guntas in Survey Nos.190/100/3/AA & 2/A/1.

As per the written instructions received by the learned Government Pleader, it is part of the forest land and the petitioners are trying to encroach one way or the other and already it is part of reserved forest notified under Section 15 of

the A.P. Forest Act including by G.O.Ms.No.263 F&A (For-III) dated 23.03.1975 also covered by the plan appended to the written instructions.

Needless to say even if it is forest land as petitioners did not file any kasrapahani to claim as their ancestral property, but for adangals showing they are in possession, the respondents cannot dispossess the petitioners except following due process of law.

Accordingly and in the result, the Writ Petition is disposed of.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

Date: 18.07.2017
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JUSTICE Dr. B.SIVA SANKARA RAO

