

HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.12981 of 2017

ORDER:

Assailing the individual notices, all bearing No.155/2012, dated 28.02.2017, issued by the 3rd respondent - Forest Range Officer, Yerraguntla Road, Proddatur Mandal, YSR District, granting three days time to the petitioners herein to furnish the records, if any, pertaining to the permission granted in their favour in respect of the land admeasuring Acs.53.00 cents in Sy.Nos.630, 631, 632 and 633 of Tappatla Village Fields, Vallur Mandal, YSR District, the present writ petition is filed.

2. Heard learned counsel for the petitioners and the learned Government Pleader for Forests appearing for the respondents.

3. According to the petitioners, they are landless poor persons and their fore-fathers have occupied the land admeasuring Acs.53.00 cents in Sy.Nos.630, 631, 632 and 633 of Tappatla Village Fields, Vallur Mandal, YSR District. According to the petitioners, the subject land is a Revenue poramboke land and they have been in possession of the said land for the last 30 to 40 years. It is further stated in the affidavit filed in support of the writ petition that after occupying the said land, they have re-claimed the land by

spending money and labour and that they are paying Land Revenue also in respect of the said land for the last so many years and there are hundreds of mango trees, which are aged about 15 – 20 years in the said land. It is further averred in the writ affidavit that the 3rd respondent issued individual Notices, all bearing Ref.155/2012, dated 19.05.2015, stating that the petitioners are in possession of Kamalapuram Reserve Forest land and asked to produce the records within a period of five days from the date of receipt of the said notices. It is further stated that pursuant to the said notices, the petitioners have submitted their representations and documents, including Adangals and Pahanis in respect of the said land, however, the 3rd respondent refused to receive the same. Hence, the present writ petition.

4. By virtue of the notices under challenge issued on 28.02.2017, the 3rd respondent asked the petitioners to produce the records, if any, by granting three days time. According to the learned counsel for petitioners, the authorities are resorting to such high-handed action without regard to the relevant provisions of the A.P. Forest Act, 1967.

5. On the other hand, it is submitted by the learned Government Pleader for Forests that since the petitioners herein did not respond to the earlier Notices dated 19.05.2015, the 3rd respondent issued the impugned notices, under challenge and, as such, there is no illegality nor any

infirmity in the impugned action initiated by the respondent authorities and the petitioners cannot maintain the present writ petition in the absence of any illegality in the impugned action. The learned Government Pleader, on instructions, further submits that even now, if the petitioners herein submit their representations/explanations with relevant documents, if any, in support of their right over the subject land, appropriate action would be taken in accordance with law, after considering the said representations/explanations.

6. In view of the said submission, this writ petition is disposed of, permitting the petitioners to submit their representations/explanations to respondent Nos.2 and 3 along with the relevant documents, if any, in support of their right over the subject land within a period of two weeks from the date of receipt of a copy of this order. If any such representations/explanations are submitted by the petitioners within the said stipulated period, respondent Nos.2 and 3 shall consider the same and pass appropriate orders in accordance with law, after hearing the petitioners herein. Till completion of such exercise, *status quo* obtaining as on today with regard to possession over the subject land shall be maintained and no coercive steps shall be taken against the petitioners herein pursuant to the impugned notices dated 28.02.2017. No order as to costs.

7. As a sequel, Miscellaneous Petitions pending consideration, if any, in the Writ Petition shall stand closed.

JUSTICE A.V. SESA SAI

11.04.2017.

NOTE: Issue C.C. in two days.
(B/O)
Msr



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