HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.19819 of 2011

ORDER

Heard Mr.P.Laxma Reddy for petitioners and the learned Assistant Government Pleaders for Revenue and Forest.

The petitioners pray for the following relief :-

> "…. to issue a writ, order or a direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in seeking to dispossess the petitioners from the land in Sy.No.329 admeasuring Ac.7-63 cents situated at Kothapalli village, Jaipur Mandal, Adilabad District, without issuing any notice or opportunity as being illegal, arbitrary, unreasonable and in gross violation of principles of natural justice apart from being deprived of valuable property rights of the petitioners guaranteed under Article 300-A of the Constitution of India and issue a consequential direction directing the respondents not to interfere with the rights of the petitioners over the said land…."

On 15.07.2011, this Court directed the respondents not to dispossess the petitioners from Sy.No.329 measuring Ac.7-63 cents at Kothapalli village, Jaipur Mandal, Adilabad District.

The prayer in the writ petition is seriously contested by 3rd respondent. According to 3rd respondent, the petitioners by referring to Sy.No.329 are interfering with and undertaking cultivation in Forest land. The 3rd respondent states that the place where the petitioners are undertaking cultivation is part of notified forest area.

The Tahsildar-2nd respondent filed counter affidavit. An extent of Ac.1-12 gts., in Sy.No.329 is under cultivation and the remaining extent of Ac.6-13 gts. is kept fallow. The area now kept fallow, the fencing by pillars laid by the Forest Department is in existence.

In view of the stand taken in the counter affidavits of respondents 2 and 3, Mr.P.Laxma Reddy limits his prayer for a direction to respondents 1 to 3 to undertake survey of the land covered by Sy.No.329 and also the forest land. In other words, he prays for a direction for a joint survey to be conducted by Revenue and Forest Departments to demarcate, identify patta land and forest land. He further submits that after Sy.No.329 is identified and forest land is delineated, his clients are prepared to put in place fence at their cost and expense, so that in future there is no dispute with the Forest Department. He further submits that the petitioners are not interested in deforestation or encroaching into forest land.

The submission of learned counsel appears to be reasonable. Therefore, the writ petition is disposed of by this order.

(a) The petitioners are given liberty to apply to respondents 2 and 3 for joint survey of Sy.No.329 and the abutting forest land within four weeks from today by enclosing a copy of this order.

(b) Respondents 2 and 3 are directed to take up survey, demarcate Sy.No.329 and abutting forest land, fix boundaries and serve copy of report on

petitioners for putting in place the fence and also not to encroach forest land in future.

(c) The said exercise shall be completed within four weeks from the date of request made by petitioners.

(d) The parties are directed to maintain *status-quo* as regards possession and physical features of the subject matter for a period of eight weeks from today.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

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S. V. BHATT, J

Dt: 22-03-2018
Note:
Issue C.C. in one week
(B/o)
Prv

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते