

HON' BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

WRIT PETITION No.1929 and 1972 of 2018

COMMON ORDER:

These writ petitions are filed under Article 226 of the Constitution of India, seeking the following reliefs:

W.P.No.1929 of 2018:

“to issue an appropriate Writ, Order or Direction, more particularly one in the nature of writ of Mandamus, declaring the high handed action of the respondent No.5 and 6 in interfering with the peaceful possession and enjoyment of Patta Land of the Petitioner admeasuring Acre.1.17 guntas in Survey No.176 situated at Thimmapur Village, Shivampet Mandal, Medak District, as illegal, arbitrary, unjust, violative of principle of natural justice, violative of Article 14, 19(1)(g) and 300-A of the Constitution of India and contrary to Sec 4, 6 of the AP Forest Act., 1967 and the Land Administration Rules and contrary to Sec 5 & 6 of AP Survey and boundary Act, and pass such...”

W.P.No.1972 of 2018:

“to issue an appropriate Writ, Order or Direction, more particularly one in the nature of writ of Mandamus, declaring the high handed action of the respondent No.5 and 6 in interfering with the peaceful possession and enjoyment of Patta Land of the Petitioners to their respective extent in Sy.No.170 and land in Sy.No.171 situated at Thimmapur Village, Shivampet Mandal, Medak District, as illegal, arbitrary, unjust, violative of principle of natural justice, violative of Article 14, 19(1)(g) and 300-A of the Constitution of India and contrary to Sec 4, 6 of the AP Forest Act., 1967 and the Land Administration Rules and contrary to Sec 5 & 6 of AP Survey and boundary Act, and pass such...”

2. Heard the learned counsel for the petitioners in both the writ petitions and learned Government Pleaders for Forests and Revenue appearing for the respondents and perused the prayer in the respective writ petitions with supporting affidavits and other material on record and the written instructions submitted by the learned Government Pleader for Forests.

3. It is the claim and contention of the respective petitioners including their supporting affidavit averments that the properties

covered by the writ petitions are their private properties, that they are small farmers since in possession and enjoyment from decades back and the respondents are high-handedly trying to take the law into their hands to dispossess and to destroy their cultivating activity, which is their only source of bread winning, without any manner of right and the subject properties are not the forest lands.

4. Whereas, it is the submission of the learned Government Pleader for Forests that the subject properties in Sy.Nos.170 and 176 respectively are not included in Reserved Block of Pillutla Reserve Forest block of Compt.No.322; that so far as Sy.No.171 is concerned, it is the reserve forest and the respondent-authorities are entitled to protect the forest land and the petitioners cannot interfere with, much less encroach, not to protect their alleged acts of encroachment by entertaining the writ petitions.

5. Having regard to the above, so far as Sy.Nos.170 and 176 are concerned, the submission of the learned Government Pleader for Forests that the respondent-authorities are no way interfere with the respective petitioners' possession and enjoyment in relation thereto, is recorded. So far as Sy.No.171 is concerned, as there are disputed questions of fact with regard to the entire area or part of it is a reserve forest and the claim of the petitioners that it is their private property out of it, requires adjudication by adducing evidence, liberty is given to the respective petitioners among the writ petitions, who are claiming

any part of land in Sy.No.171 to approach the civil Court to work out their reliefs. In the meantime, *status quo* existing as on today shall be maintained by both the parties, for a period of six weeks.

6. Accordingly, both the writ petitions are disposed of.

7. Consequently, miscellaneous petitions, if any shall stand closed. No order as to costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 30.01.2018

Note:

Issue C.C. in three days.
B/o.
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