

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.7369 of 2018

ORDER:

Heard learned counsel for the petitioners and the learned Government Pleader for Forests for respondents and perused the prayer in the writ petition with the supporting affidavit and the written instructions received by the learned Government Pleader.

The petitioners in support of the prayer in the writ petition filed the revenue record showing survey Nos.454/4 of Ac.7.18 gts and survey No.454/2 of Ac.6.05 gts of Burgampadu Village and Mandal, Bhadrachari-Kothagudem District, is their private property. It is the averment in the supporting affidavit that the respondents are trying to interfere and dispossess them from that land.

The written instructions of the learned Government Pleader disclose that there is an area of Ac.253.00 gts notified as Kistasagar Ext-I Reserve Forest under Section 15 of A.P. Forest Act, 1967, vide G.O.Ms.No.760, F&A(For.III) dated 27.07.1973 and no pattas were included in the reserve forest block at any time of Gazette notification and the present land claimed by the petitioners are part and parcel of compartment No.239 of Kistasagar Ext-I Reserve Forest block, without having any right of claim/enjoy the said land. The boundaries of Kistasagar Ext-I Reserve Forest was clearly demarcated on the ground with reference to Gazette notification and they filed the writ petition with a mala fide intention to occupy the forest land supra under the guise of lands in survey Nos.454/2 & 454/4. The petitioners might have land in survey No.454/2 & 4 which is in a distant revenue area. The sum and substance of the written instructions is that the petitioners

under the guise of their private land in survey Nos.454/2 & 4 cannot interfere with Kistasagar Ext-I Reserve Forest of Ac.253.00 gts.

The prayer in the writ petition is that the forest officials are trying to interfere and dispossess them from their private property and not that they are going to interfere and they are in possession. Once such is the case, if at all there is any clarity required, the forest officials are entitled to demarcate the boundary to that Ac.253.00 gts of Kistasagar Ext-I Reserve Forest and of the private land of the petitioners in survey Nos.454/2 & 4.

With these observations, this Writ Petition is disposed of restraining the respondents to interfere with the above private property of the petitioners. Needless to say the petitioners under the guise of their private property cannot intrude into the area covered by Kistasagar Ext-I Reserve Forest of Ac.253.00 gts beyond what is their private property *supra*.

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

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 08.03.2018
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