

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

C.C.No.2187 of 2018

Date: 05.10.2018

Between:

Voleti Vinay Rao S/o.Sri Satyanarayana Rao,
R/o.8-3-228, Plot No.102,
Sreenivasa Village Apartments,
Yousufguda, Hyderabad,
rep. by his father and G.P.A. holder
Sri Voleti Satyanarayana Rao,
S/o.Ranga Rao
Aged about 70 years,
Occ: Cultivation,
R/o.Madicherla Village,
Bapulapadu mandal,
Krishna district.

...

Petitioner

And

P.J. Benarjee,
S/o.Father's name not known to petitioner
Aged: 57 years, Occ: Divisional Forest Officer,
R/o.C/o.Office of the Divisional Forest Officer,
Krishna Division, Gopala Reddy Road,
Vijayawada, Krishna district,
Andhra Pradesh.

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Respondent

Counsel for the Petitioner : Mr. R.Sridhar for
Mr.Ch.B.R.P.Sekhar

Counsel for the Respondent : G.P. for Forests (AP)

The Court made the following:

Order:

This contempt case is filed alleging willful disobedience of order dated 15.07.2018 in W.P.No.25800 of 2012.

2. Heard Mr.R.Sridhar, learned counsel representing Mr.Ch.B.R.P. Sekhar, learned counsel for the petitioner and the learned Government Pleader for Forests.

3. The petitioner has filed the aforementioned writ petition for issue of mandamus, declaring G.O.Ms.No.414 Food and Agriculture (For-III) Department dated 24.03.1972, issued under Section 4 of the A.P. Forest Act, 1967, in respect of unspecified lands without any intelligible boundaries or even names of the villages, as illegal and arbitrary. In the counter affidavit filed by respondent No.3 in the writ petition, it was *inter alia* stated that the extent of Acs. 28.25 cents, out of which Acs. 8.50 cents claimed by the petitioner form part, falls outside the notified forest lands, that it is situated abutting the boundary line of R.S.No.1 of Madicherla village and that with a *mala fide* intention to grab the notified forest land, the petitioner was trying to encroach the forest land. By order dated 15.07.2015, this Court has disposed of the writ petition by observing that as respondent No.3 admitted that the extent of Acs. 8.50 cents land claimed by the petitioner falls outside the forest land, it is unnecessary for the court to adjudicate on the validity or otherwise of the impugned notification. In the light of the allegation that in the

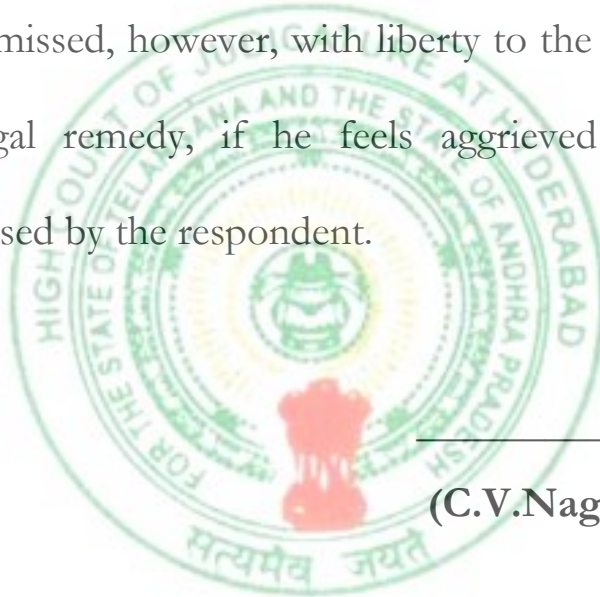
guise of enjoyment of his property, the petitioner is trying to encroach the forest land, this court has directed the respondents to initiate proceedings under Section 20 of the Act, by following the procedure prescribed under proviso to sub-section (3) thereunder, namely, by issuing a show cause notice to the petitioner and passing appropriate orders after considering the explanations if any, and that till this procedure is followed, the respondents shall not interfere with the petitioner's possession of the property, on the allegation that he is trying to encroach the forest land.

4. In the affidavit filed in support of the contempt case, the petitioner has alleged that without following the procedure as directed by this court, the respondent has been continuing to interfere with the petitioner's possession of his property.

5. Mr.N.Ramachandra Rao, the present Divisional Forest Officer, Krishna division, filed counter affidavit on behalf of the respondent, who is stated to have been transferred. He has *inter alia* averred therein that as many as three show cause notices were issued to the petitioner and as he failed to file his reply on the allegations contained in the show cause notices, a final order was passed on 10.05.2016, ordering eviction from the forest land encroached by the petitioner. Copies of the show cause notices and order dated 10.05.2016 are enclosed to the counter affidavit.

6. Inasmuch as the direction to the respondents not to interfere with the petitioner's possession of the property, was confined till the time of passing of a final order and such an order having been passed after issuing as many as three show cause notices, I do not find any merit in the plea of the petitioner that the respondents have willfully violated the order of this Court.

7. Having regard to the discussion made herein before, I do not find any merit in this contempt case. The contempt case is accordingly dismissed, however, with liberty to the petitioner to avail appropriate legal remedy, if he feels aggrieved by order dated 10.05.2016 passed by the respondent.



(C.V.Nagarjuna Reddy, J)

Date: 05th October, 2018

msb

