

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.18712 of 2018

ORDER:

Heard learned counsel for the petitioners and the learned Government Pleaders for Forest and Revenue.

According to the pleadings in the affidavit, filed in support of the Writ Petition, first petitioner herein owns, amongst others, Ac.4.00 cents of land in Sy.No.242/89 and Ac.30.00 cents of land in Sy.No.242/76, total admeasuring Ac.34.00 cents situated at Mailaram village, Wargal Mandal, Siddipet District. It is averred that the father of the petitioner Nos.2 and 3 owned Ac.30.00 cents of land in Sy.No.242 cents of Mailaram village, Wargal Mandal, Siddipet District. After the death of their father petitioner Nos.2 and 3 are in possession and enjoyment of the said lands. It is further averred in the writ affidavit that the first respondent-Forest Department encroached upon the above said lands of the petitioners herein and repeatedly interfering with their possession and enjoyment and, despite repeated requests, respondents have not vacated the above said encroached area.

On the other hand, on instructions, learned Government Pleader for Forest submitted that the petitioners herein are claiming the lands of the Forest Department and the petitioners are not in possession of the subject lands and also there was a

demarcation made. It is further submitted that the land in Sy.No.242 is presently in possession of the Forest Department, as per the gazette notification, and the same is a Reserve Forest Land.

A perusal of the material available before this Court discloses that the Divisional Forest Officer, vide proceedings in Rc.No.4564/2012/S6, dated 01.06.2016, asked the Forest Range Officer, Siddipet to survey the area and submit a detailed report along with the map. Vide letter in Lr.No.F/2036/2017, dated 07.12.2017, the Revenue Divisional Officer, Gajwel requested the Forest Range Officer, Gajwel to verify and submit a report as to whether the land in Sy.No.242 admeasuring, Ac.26.00 cents, is included in the Forest Compact of the range. It is further clear from the information available that vide Lr.No.232/Gajwel, dated 27.12.2017, the Forest Range Officer, Gajwel requested the Revenue Divisional Officer, Gajwel to appoint a Divisional Surveyor so as to enable holding of joint survey and to fix the boundaries. It is required to be noted that vide proceedings No.E/2036/2017, dated 29.12.2017, the Revenue Divisional Officer informed the Forest Range Officer, Gajwel that the Deputy Inspector of Survey, Gajwel is desirous of conducting joint inspection of the lands on 06.01.2018 and requested the Forest Range Officer to make it convenient to attend the joint inspection on the said date. It is submitted by

the learned counsel for the petitioners that, despite the same, nothing has transpired and no further action has been taken so far.

Having regard to the above said information and the correspondence between the departmental officials, this Court, in order to put a quietus to the issue, is inclined to dispose of the Writ Petition with a direction to the respondents to hold a joint survey and to fix the boundaries of the subject lands, within a period of two months from the date of receipt of a copy of this order, after giving notice to all the stakeholders.

Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

07th June, 2018
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A.V.SESHA SAI,J