

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 30648 of 2018

ORDER:

The present writ petition came to be filed seeking the following relief:

“To issue a writ of Mandamus declaring the action of the respondents in seeking to deprive the petitioner of his property rights in respect of land bearing Survey No.27/3 to an extent of Ac.5.00, situated at Jakkapur Village, Srpur (T) Mandal, Adilabad District (presently Kumaram Bheem Asifabad District), which was assigned to the petitioner on 14.03.2000 in File No. E/562/2000 by the office of the third respondent, as otherwise than in due process of law, as illegal, arbitrary, without jurisdiction, violative of principles of natural justice and violative of Article 300-A of Constitution of India and to consequently direct the respondents not to interfere with the possession and enjoyment of petitioner over the above land.”

2. The petitioner submits that he was assigned pattas on 14.03.2000 in respect of land in Survey No.27/3, to an extent of Ac.5.00, situated at Jakkapur Village, Srpur (T) Mandal, Adilabad District (presently Kumaram Bheem Asifabad

District). According to him, he is in possession of the said property and is eking out his livelihood by cultivating the said land. The grievance of the petitioner is that without giving any notice, the respondents are trying to interfere with the crop raised on the said land and dispossess the petitioner from the same. Hence, this writ petition.

3. The learned Government Pleader for Forests placed on record the written instructions, stating that basing on the survey conducted by the Revenue and Forest Departments and fencing was erected in the subject land, and that the said land falls inside the Reserve Forest Area. Though it is alleged that the petitioner herein has illegally entered into the Reserved Forest Block Compt.No. 85 of Makidi beat of Makidi section of Srpur Range of Kaghaznagar Division, it is stated that correspondence is being made with the concerned District Collector to resolve the dispute. Learned Government Pleader further submits that any action to be taken hereinafter will be only in accordance with the provisions of law.

4. Having regard to the facts and circumstances of the case, and in view of the submission made by the learned Government Pleader, the present writ petition is disposed of with consent, at the admission stage, directing the respondents to follow the due process of law before evicting

or dispossessing the petitioner from the subject land. There shall be no order as to costs.

5. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

29.08.2018
DMG

