

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 31455 of 2018

ORDER:

It is the case of the petitioner that as per the fair land record, land admeasuring Acs.165.65 cents in Survey No.1 of Kadagunta Village, Balayapalli Mandal, SPSR Nellore District, is classified as forest poramboke. It is her further case that the revenue authorities, particularly, respondents 7 and 8 are taking steps for granting DKT pattas with respect to the aforesaid forest land at the instance of the political affiliates. It is also her case that when she sought information with respect to the said land under the provisions of the Right to Information Act, 2005, the revenue authorities furnished her a copy of the notice titled as 'Mahajana Sabha Meeting Notice', dated 10.06.2018, issued by the Revenue Divisional Officer, Gudur, to Kadagunta-I Cooperative Joint Farming Society, stating that DKT pattas are proposed to be issued to its eligible members. Hence, she filed this Writ Petition.

Learned Government Pleader places on record written instructions, dated 04.09.2018 issued by the Forest Range

Officer, Venkatagiri, and the relevant paragraphs thereof read as under:

“As verified from revenue records, the land in Sy.No.1 of Kadagunta, Balayapalli Mandal, is classified as “Adavi Poramboke” under the control of revenue records. It attracts the provisions of FC Act, 1980 for any non-forestry activity in the said area. In this regard, it is submitted that, in para No.1.1 (Definition) of Forest (Conservation) Act, 1980, the following is mentioned:

“the term “Forest Land” mentioned in Section 2 of the Act refers to reserved forest, protected forest or any area recorded as forest in Government records....All proposals for diversions of such areas to any non-Forest purpose, irrespective of its ownership, would require the prior approval of the Central Government.”

It is further submitted that, the Hon’ble Supreme Court of India vide WP.No.202/1995 dt. 12.12.1996 delivered the following judgment.

“....the term “forest land” occurring in Section 2, will not only include “forest” as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of its ownership....”.

As per the above, it is obvious that, any non-forestry activity in the said lands by the petitioners will attract the provisions of Forest Conservation Act, 1980.

Under the circumstances submitted supra, the above facts may kindly be appraised to the Hon’ble Court, and the Hon’ble Court may kindly be prayed to instruct the Revenue authorities not to assign the lands to any beneficiary as it attracts the provisions of FC Act, 1980.”

From the written instructions, it is clear that the land in Survey No.1 of Kadagunta Village, Balayapalli Mandal, SPSR Nellore District, is recorded as ‘Adavi Poramboke’ in the revenue records.

It is well settled that de-forestation of the forest land for the purpose of granting pattas is prohibited.

In those circumstances, this Writ Petition is allowed with the direction to the revenue authorities not to allot the forest land for any purpose whatsoever.

Miscellaneous Petitions, if any pending, shall stand disposed of. There shall be no order as to costs.

4th SEPTEMBER, 2018.

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CHALLA KODANDA RAM, J

