

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 41629 of 2018

ORDER:

1) Heard learned counsel for the petitioner and learned Government Pleader for Forests.

2) The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent Nos.2 to 4 in seeking to dispossess the petitioner from land in Survey No.266/AA, admeasuring Acs.5.00 guntas, situated at Keslapur village, Bheemini Mandal, Komurambheem, Asifabad district, without following due process of law, as illegal, arbitrary and violative of principles of natural justice.

3) The case of the petitioner is that he is the owner and possessor of the land in Survey No.266/AA, admeasuring Acs.5.00 guntas, situated at Keslapur village, Bheemini Mandal, Komurambheem, Asifabad district and after completion of samagra survey, the Government issued new pattadar passbook and title deed in his favour. The petitioner claims to have started agricultural operations in the said land by raising mango trees. While things stood thus, on 14.11.2018, respondent Nos.2 to 4 visited the land of the petitioner and directed him to handover the possession of the mango garden, stating that the land falls under forest land. Challenging the

action of the respondents in trying to dispossess the petitioner from the said land, the present writ petition came to be filed.

4) Learned Government Pleader, who took time to get instructions, today placed on record the instructions received, wherein it is stated that the petitioner has got laoni patta over the land in Survey No.266/AA, but not in Survey No.266, which according to him is a forest land. It is stated that under the guise of laoni patta, the petitioner encroached on to the forest land, which made the authorities to interfere. Having regard to the above, he would submit that any action of dispossessing the petitioner from the forest land shall only be in accordance with law.

5) Recording the above submission, the Writ Petition is disposed of directing the respondents to follow due process of law, while dispossessing the petitioner from the land in Survey No.266/AA, admeasuring Acs.5.00 guntas, situated at Keslapur village, Bheemini Mandal, Komurambheem, Asifabad district.

6) There shall be no order as to costs. As a sequel thereto, miscellaneous petitions pending if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Dt: 27.11.2018
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