

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.3216 of 2019

ORDER

This writ petition is filed seeking to declare the action of respondents 3 to 5 in interfering with the possession and enjoyment of the petitioner over the agricultural lands admeasuring Ac.1.06 gts in Sy.No.2087/4; Ac.1.00 gts in Sy.No.2087/5 and Ac.0-20 gts in Sy.No.2087/10, situated at Lolam H/o.Ansanpally (v), Indalwai Mandal, Nizamabad District, without issuing notice to her, as illegal and arbitrary.

2. The petitioner asserts that she was granted pattadar passbook for the land to an extent of Ac.1-16 gts in Sy.No.2084 on 21.01.2008 in File No.B/3677/07 and Acs.4.02 gts in Sy.No.2087 on 25.03.2010 in File No.B/631/2010 by the revenue officials and she is cultivating the said lands by digging a bore well.

3. Learned counsel for the petitioner asserts that as on date, there is a standing crop in the land to an extent of Acs.4.02 gts in Sy.No.2087 and the petitioner has also erected a bore well by spending amounts and that the respondent authorities are interfering with her possession and enjoyment over the said lands without issuing any notice and opportunity to her.

4. On the other hand, learned Government Pleader for Forests for respondents has placed on record the written instructions received from the Forest Range Officer, Indalwai vide letter dated 17.02.2019, wherein it is stated that the entire land to an extent of Ac.262.02 gts in Sy.No.2087 is included in the reserved forest and the same was notified under Section 4 of Andhra Pradesh Forest Act, 1967 vide G.O.Ms.No.374 Forest and Rural

Development (For-III) Department dated 30.04.1976 and published in Andhra Pradesh Gazette No.20-C dated 20.05.1976. It is the assertion of the petitioner that the respondents are interfering with the land in Sy.No.2087 without following due process of law. A copy of Gazettee dated 20.05.1976 filed along with the written instructions discloses that the nature of land (Classification category included in the Block) to an extent of Acs.262.02 gts in Sy.No.2087 was mentioned as 'poramboke'.

5. Having considered the respective submissions, admittedly the written instructions do not indicate with regard to issuance of notice to the petitioner and that the patta granted in favour of the petitioner, at best, is only by levying patta fee, the revenue authorities have no authority to grant patta to such lands. Insofar as the land to an extent of Acs.4.02 gts in Sy.No.2087 is concerned, as there is a standing crop raised by the petitioner, the respondents shall allow her to harvest the standing crop, and till such time, respondents shall not interfere with the standing crop. In the meanwhile, respondents shall issue notice to the petitioner calling upon her to vacate the land by the end of April, 2019.

6. With the above direction, the Writ Petition is disposed of. No order as to costs.

7. Miscellaneous applications, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

19th February, 2019

sj