

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.3506 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 petitioners over the agricultural lands admeasuring Ac.0.32 gts in Sy.No.2151/8; Ac.4.00 gts in Sy.No.2151/2 and Ac.1.00 gts in Sy.No.2151/2, situated at Lolam H/o.Amsanpally (v), Indalwai Mandal, Nizamabad District, without issuing notice to them, as illegal and arbitrary.

2. The petitioners assert that they was granted Pattadar Passbooks for the lands admeasuring Ac.0.32 gts in Sy.No.2151/8; Ac.4.00 gts in Sy.No.2151/2 and Ac.1.00 gts in Sy.No.2151/2, situated by the Tahsildar, Dharpally Mandal and they are eking their livelihood by cultivating the said lands by digging a bore well.

3. Learned counsel for the petitioners asserts that as on date, there is a standing crop in the lands admeasuring Ac.0.32 gts in Sy.No.2151/8; Ac.4.00 gts in Sy.No.2151/2 and Ac.1.00 gts in Sy.No.2151/2 and that the petitioners have erected a bore well and also obtained electricity connection to the motor pump by spending amounts and that the respondent authorities are interfering with their possession and enjoyment over the said lands without issuing any notice and opportunity to them.

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 Rc.No.36/WP/IND/2019, dated 17.02.2019, wherein it is stated that the entire land in an extent of Ac.334.26 gts in Sy.No.2151 has been 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 petitioners that the respondents are interfering with the land in Sy.No.2151 without following the due process of law. A copy of Gazette, 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.334.26 gts in Sy.No.2151 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 petitioners. The Patta granted in favour of the petitioners, at best, is only by levying Patta fee, but the revenue authorities have no authority to grant Patta to such lands. Insofar as the lands admeasuring Ac.0.32 gts in Sy.No.2151/8; Ac.4.00 gts in Sy.No.2151/2 and Ac.1.00 gts in Sy.No.2151/2 is concerned, as it is the assertion of the learned counsel for the petitioners that there is a standing crop raised by the petitioners, the respondents shall allow them to harvest the standing crop, if any, and till such time, respondents shall not interfere with the standing crop. In the

meanwhile, respondents shall issue notice to the petitioners calling upon them to vacate the land by the end of April, 2019.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J

21st February, 2019
Bvv

