

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No. 8608 of 2019**

**ORDER:**

Petitioner states that he is the owner of land admeasuring Acs.2.12 guntas in Survey No.553 of Rechapally Village, Saarangapur Mandal, Jagtial District, which is adjacent to the reserve forest; that pattardar pass books were issued in his favour and he is in possession of the same and that the respondent authorities are preventing him from cultivating his land stating that the same is a forest land. In the circumstances, he prays for a writ of mandamus seeking to declare the action of the respondents in dispossessing him from the land in question, as illegal and arbitrary.

On instructions, learned Government Pleader for Forests appearing for the respondents submits that the assertion of the petitioner that the subject land is adjacent to the forest land is not in dispute, however, the petitioner under the guise of cultivating his land, encroaching into the forest land and that the markings and erection of pillars by the forest officials have been done within the forest land and there is no encroachment of the officials of the Forest Department into the petitioner's land. She further submits that as long as the petitioner does not encroach into the forest land, the respondent authorities would not take any action and if the petitioner makes any attempt to encroach into the forest land, the respondent authorities would be given liberty to take appropriate action in accordance with law by conducting enquiry, issuing notice calling for explanation and passing appropriate orders.

In those circumstances, the writ petition is disposed of directing that the respondents shall not interfere with the possession and enjoyment of the petitioner over the land in question. However, in the event of there being any dispute with respect to the fixing of boundaries, it would open to the petitioner to approach the Survey and Boundaries Department seeking survey, likewise, in the event of there being any encroachment by the petitioner, the respondent authorities shall be entitled to take appropriate action in accordance with law.

Miscellaneous petitions, if any, pending in this Writ Petition shall also stand disposed of. There shall be no order as to costs.

**CHALLA KODANDA RAM, J**

Dt:25.04.2019

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