

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.14209 & 14211 of 2019

Date:11.07.2019

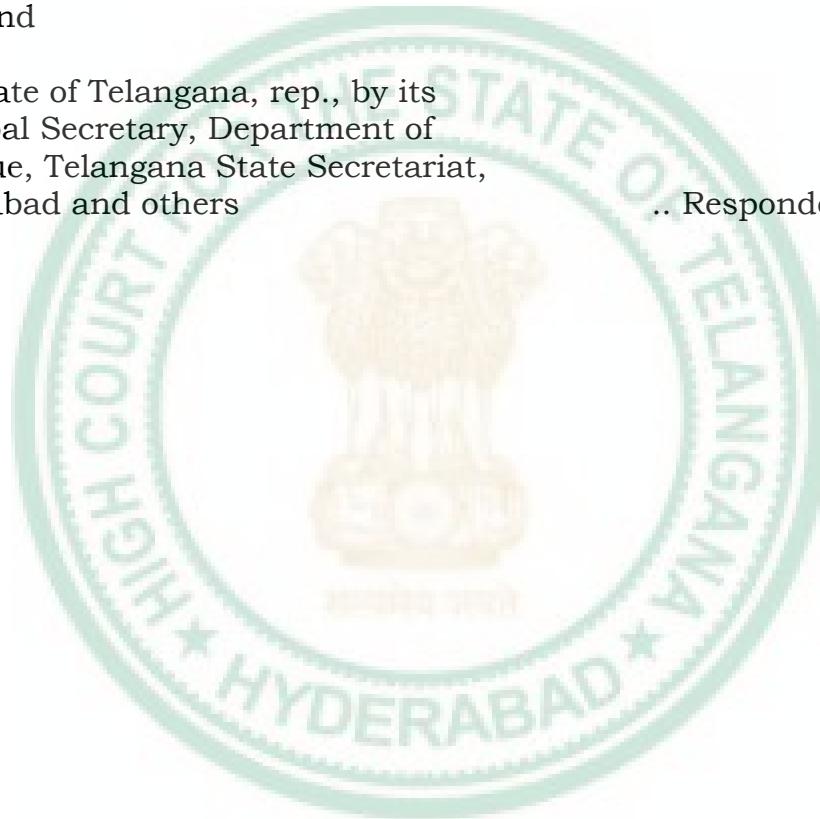
W.P.No.14209 of 2019

Between:

Kammari Nagesh, S/o. Kammari Bheemaiah,
Aged about 42 years, Occ: Farmer,
R/o.2-72/1, Vanjiri, Mandal Kagaznagar,
Vanjiri, Tungeda, Kumaram Bheem
Asifabad District, Telangana State and others .. Petitioners

And

The State of Telangana, rep., by its
Principal Secretary, Department of
Revenue, Telangana State Secretariat,
Hyderabad and others .. Respondents



The Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.14209 & 14211 of 2019

COMMON ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Revenue, learned Government Pleader for Forests and learned Assistant Solicitor General.

2. Petitioners claim that they were assigned lands in Survey Nos.5/AA/2, 13, 17E/2/2, 17/E3/2, 17/E4, 145/199, 24/A2, 27/1/1, 145/35/2, 145/36/1, 145/63, 27/2, 27/1/3, 66/2, 101/2, 117/2, 119/2, 145/12/2, 145/43, 84/1/1, 86/AA/1/2, 145/29, 145/37, 145/35/4, 145/36/3, 145/30, 145/51, 145/38, 145/13/2, 145/44, 145/50, 145/62, 145/52, 145/53, 145/54, 145/56, 145/57, 145/58, 145/59, 145/65, 145/70, 145/187, 145/39, 145/193, 145/182, 145/191, 27/1/2, 145/35/3, 145/36/2, 145/40, 145/203, 145/96, 145/195, 145/201, 145/35/1, 145/183, 145/186, 145/190, 145/48, 145/61, 145/67, 145/74, 145/188, 145/189, 145/194, 145/198, 145/202, 146/25, 145/208, 145/210, 145/197, 145/66, 145/85, 145/192 and 145/207 in Ankusapur Village, Survey No.16, 16/AA, 26/6, 26/5, 26/9, 26/10, 26/12, 26/7, 61/3, 66/6, 67/4, 67/12, 67/5, 67/4/AA, 67/11 and 67/14 in Naarapur Village, Survey No.45/2 and 55/5 Matepalli Village, situated in Kagaznagar Mandal Kumarambheem Asifabad District, Telangana State. They are in enjoyment of the said lands for several years. They now contend that the respondent authorities, particularly the forest officials are not allowing the petitioners to enter into their

lands and preventing them from carrying on their cultivation activity and the same is *ex facie* illegal.

3. According to Sri R. Sameer Ahmed, learned counsel for the petitioners in W.P.No.14211 of 2019, some of the petitioners were also granted Recognition of Forest Rights (ROFR) and even those persons are also not allowed to enter into their lands.

4. Learned Government Pleader for Forests, on instructions, submits that insofar as the persons in whose favour ROFR is granted, the Forest Department is not interfering with their activities. She further submits that recently, survey was conducted and in the said survey, it was found that several persons have encroached into the forest land and having been found that there are encroachments, the Forest Department is taking steps in accordance with law and due opportunity will be afforded to such of those persons who claimed to be in occupation of the forest land.

5. That being so, the apprehension expressed by the petitioners is not valid.

6. Having regard to the same, while leaving it open to the officials of the Forest Department to take all measures to protect the Forest area and prevent encroachments, before evicting any person who is alleged to be in occupation of forest land, they shall follow due process and without following due process, no petitioner be harassed.

7. With the above observations and directions, the Writ Petitions accordingly disposed of. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:11.07.2019

KH

