

THE HON'BLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION Nos.16975 AND 16979 OF 2019

Date:08.08.2019

W.P.No.16975 of 2019:

Between:

Besi Karriah, S/o. Ramulu and others .. Petitioners

And

The State of Telangana, rep., by its
Principal Secretary, Forest Department,
Secretariat at Hyderabad, Hyderabad .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION Nos.16975 AND 16979 OF 2019****COMMON ORDER:**

Heard learned counsel for the petitioners and learned Government Pleader for Forests and Agriculture.

2. Petitioners claim that they belong to Scheduled Tribe and are entitled to pattas as per the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (for short, 'the Act'). They are not granted the certificates and are now sought to be displaced and the same is illegal.

3. Petitioners claim that they submitted applications for grant of rights under the Act. The said applications are pending and so far, no decision is made and on the contrary, the respondents are now trying to displace them.

4. The Act prescribes cut off date of the year 2005 by which a person should have been a forest dweller and must eke out his livelihood by cultivating the forest land. In such a case, a certificate would be issued to protect his right.

5. According to learned Government Pleader for Forests, notification was issued in the year 2008 calling for applications for issuance of certificates and process was undertaken and people were identified as eligible for grant of pattas.

6. From a reading of the averments in the affidavit filed in support of the writ petition, it appears, petitioners have not made applications within the time granted. The scheme of the Act is not

the continuous scheme and wherever a person desires to apply, it ought to be considered and certificate be granted. The very objective of the scheme is to a limited extent of protecting forest dwellers and not to displace them even if the reserve forest area is notified. Therefore to that limited extent forest rights are granted for the forest dwellers to continue to live and carry on their living activities for their sustenance. Thus, apparently, as the petitioners have not made any such applications when called earlier, they cannot place reliance on a recent application stated to have been filed and seek not to dispossess them in an area which is admittedly notified as reserve forest.

7. The Writ Petitions are accordingly dismissed. Pending miscellaneous petitions shall stand closed.

P. NAVEEN RAO, J

Date:08.08.2019

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