

High Court for the State of Telangana

**THE HON'BLE THE CHIEF JUSTICE
SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE DR. JUSTICE SHAMEEM AKTHER**

W.A.No.662 of 2019

Date: 09.08.2019

Between:

Salavath Billu and 3 others

...Appellants

and

State of Telangana,
Rep. by its Principal Secretary,
Forest Department, Secretariat Buildings,
Hyderabad.

...Respondents

Counsel for the petitioner: Mr. T.V.Kalyan Singh

Counsel for the respondents: Mr. Government Pleader for Forests

The Court made the following:

JUDGMENT: *(Per the Hon'ble the Chief Justice Sri Justice Raghvendra Singh Chauhan)*

The appellants are aggrieved by the order dated 18.07.2019, passed by the learned Single Judge, in W.P.No.14775 of 2019, whereby the learned Single Judge has dismissed the writ petition filed by the appellants. The appellants had sought the relief from the learned Single Judge that they should not be dispossessed from the land falling in Compartment No.170 of Manchippa Reserve Forest, Dharmaram Beat of Mudakpally Section, Maulalipur Shivar, Malkapur Mandal, Nizamabad District.

2. Briefly, the facts of the case are that the appellants claimed that they are in possession and enjoyment of Acs.2-20 Gts each, located at Compartment No.170. They further claimed that they are residing in the forest for the last several years. However, the Forest Department is trying to dispossess them from the land. Therefore, they sought order of protection from this Court. However, as mentioned hereinabove, the learned Single Judge has dismissed the writ petition. Hence, this appeal before this Court.

3. Mr.T.V.Kalyan Singh, the learned counsel for the appellants, claims that as early as 2001, the father of the appellants had filed a representation before the Forest Department requesting that the documents belonging to this land should be given to him. Despite the repeated filing of the representations, the representations have fallen on deaf years. Secondly, the Forest Department Officers are not justified in dispossessing and disturbing the peaceful possession of the appellants from the subject property.

4. On the other hand, the learned counsel for the Forest Department, submits that even according to a report dated 08.01.2019, filed before the Court of II-Additional Judicial First Class Magistrate at Nizamabad, it is clearly mentioned that the appellants are not in occupation of the forest department land. In fact, they have repeatedly encroached upon the forest land. Therefore, the Forest Department is justified in dispossessing them from the land, and preventing them from encroaching the reserved forest. Thus, according to the learned counsel, the learned Single Judge was justified in dismissing the writ petition filed by the appellants.

5. Heard the learned counsel for the parties and perused the impugned order.

6. It is, indeed, trite to state that a party which asserts certain facts, has to prove the said facts with cogent and convincing evidence. Although the appellants claim that they have been in possession of the said property for many decades, they have failed to submit any documentary proof of their legal and legitimate right of possession of the said property. Merely because the appellant's father had repeatedly submitted representations before the concerned authority for grant of the documents, and to have the right to farm the land, it does not establish either possession, or title of the appellants over the said land. Moreover, according to the report dated 08.01.2019, the Forest Department had established the fact that the appellants are not in occupation of land. Under these circumstances, the learned Single Judge was

certainly justified in dismissing the writ petition filed by the appellants.

7. For the reasons stated above, this Court does not find any merit in this appeal and it is hereby dismissed. There shall be no order as to costs.

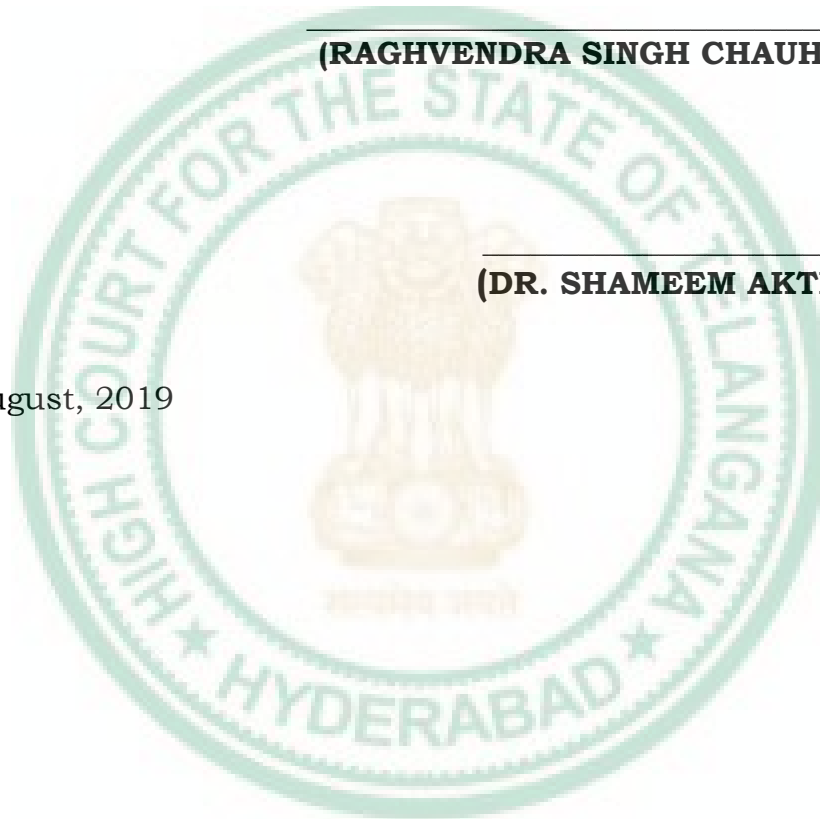
Miscellaneous petitions, if any pending, shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(DR. SHAMEEM AKTHER, J)

09th August, 2019

Lrkm



THE HON'BLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD



F.C.A.No.236 of 2018

Date: 13.02.2019

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