

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.17139 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.....to issue a Writ, Order or Direction, particularly in the nature of Writ of Mandamus declaring the action of respondent Nos.3 to 5 and their subordinates in trying to dispossess the petitioners from their respective lands i.e., land to an extent of Ac.1-00 in Sy No 342/ Na/ 233 and Ac.1-17 gts in Sy.No.342/ Na/ 54 total admeasuring Ac.2-17 gts of petitioner No.1 land admeasuring Ac.2-16 gts., in Sy.No.342/ Na/ 234/ 1 of petitioner No.2; land admeasuring Ac.1-00 in Sy.No.342/ Na/ 240 of petitioner No.3; land to an extent of Ac.1-20 gts in Sy.No.342/ Na/ 236 of petitioner No.4 and land to an extent of Ac.1-00 in Sy.Nos.342/ na/ 247 situated at Rudrakshapalli (v) Sathupally (M) Khammam District, as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents not to interfere with the possession and agriculture activities of the petitioners in respect of subject land...”.

Learned counsel for the petitioners submits that the petitioners are owners of various extents of agricultural lands in Sy.No.342 of Rudrakshapalli Village, Sathupally Mandal, Khammam District, and they were also issued pattadar passbooks in respect of the said extents. When the petitioners are carrying out agricultural operations in the said lands, respondents 3 to 5 are interfering with their cultivation. The petitioners assert that they are not cultivating in the Forest land.

On 13.08.2019, when the matter was taken up for hearing, the learned Government Pleader for Forests stated that the land in

Sy.No.342 is a Forest land and there is a Notification issued under the Forest Act and hence, the matter was adjourned to today to produce the said Notification.

Today, when the matter is taken up for hearing, the learned Government Pleader for Forests submits that on 13.08.2019 she received telephonic instructions stating that the land in Sy.No.342 is a Forest land. However, it is clarified that the land in Sy.No.342 is a private land and the land in Sy.No.343 to an extent of 3534.34 acres is a reserved forest area and taking advantage of the fact that the land in Sy.No.343 is an adjacent land to Sy.No.342, the petitioners have encroached into the forest land and trying to raise commercial crops. In spite of warning given by the forest officials, the petitioners are proceeding with their cultivation activity illegally in the said land.

Learned counsel appearing for the petitioners submits that the petitioners would strictly confine their agricultural operations only in Sy.No.342 and they would not undertake any agricultural operations in the forest land in Sy.No.343 nor encroach into the said land.

In the light of the respective submissions, when there is no dispute with regard to the nature of the land in Sy.No.342 being a private land, the respondent-Forest Department shall not interfere in any manner with respect to the agricultural activities being carried out by the petitioners in Sy.No.342. However, it is made clear that if the petitioners make any attempt to raise crops in the forest land in Sy.No.343, respondents 3 to 5 are entitled to take action against the petitioners in accordance with law.

Subject to the above observations, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any pending, shall also stand dismissed.

JUSTICE CHALLA KODANDA RAM

14th August, 2019
Prv



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