

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.18808 of 2019

ORDER:

This writ petition is filed seeking the following relief:

“...to issue an order or direction more particularly one in the nature of Writ of MANDAMUS by declaring the action of the Respondents 3 and 4 in trying to illegally claiming his land as forest land by dispossessing him from the Schedule Land situated in Survey No 349 admeasuring Ac 1-37 guntas Konthanpalli village Shivampet Mandal Medak District Telengana state under the pretext of the same being forest land is illegal arbitrary violative of Art 14, 21, and 300A of the Constitution of India and Consequently direct the Respondents No 4 to identify the Petition Schedule Land situated in Survey No.349 admeasuring Ac 1-37 guntas, Konthanpalli village, Shivampet Mandal, Medak District, Telengana state and to fix its boundaries in pursuance of the Patta granted to me and the Certificate issued under Form No.13-B vide No 1156/ 96 to and pass...”

It is the assertion of the petitioner that his name was recorded in the revenue records for a long time now, and that he was also issued pattadar passbook and he is in possession of the subject land, which is now being alleged to be a forest land. The petitioner asserts that the respondent authorities, without issuing notice or conducting enquiry, are interfering with his possession of land and preventing him from cultivating his land by digging a trench around the land.

Heard learned counsel for the petitioner, the learned Government Pleader for Forests, and learned Government Pleader for Revenue.

Having considered the respective submissions, in the facts of the present case, *prima facie* the petitioner has title and possession of subject lands. Assuming that the petitioner has occupied the forest land, it would be open to the authorities to issue notice to the petitioner with a direction to vacate the land. Admittedly, as on date, as no notice was issued to the petitioner, his possession and enjoyment of the subject land shall not be interfered with except by following due process prescribed under law.

Accordingly, the writ petition is disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

30th August, 2019
KSM

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