

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 19156 of 2019

ORDER:

In this writ petition, petitioners assert that they have been granted pattas under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, with respect to the subject lands and cultivating the same. Their grievance is that the respondent authorities are interfering with their cultivation in the subject lands.

Learned Government Pleader places before this Court para-wise remarks furnished by the fifth respondent – Forest Range Officer, Singareni Range, Forest Division, Khammam District. Relevant portion of the same reads as under:

“.....the petitioners have encroached the large chunks of forest land under the guise of these pattas in the adjacent forest area which is unlawful and against the Rules made under ROFR Act, 2006. If petitioners might be cultivating the ROFR pattas issued, lands by possession or succession, they have to protect the adjacent forest land and wild life in that area. But, the petitioners have encroached large extent of forest area and disturbed the wild life depending on such forest area. As such, the respondent No.5 and his staff have identified this illegal activity of the petitioners and are trying to protect the valuable forest and wild life by moving in the forest areas regularly which is the responsibility of the respondent as

per Forest Act which cannot be questioned by the petitioners as not to enter their areas.”

In the light of the specific assertion of the respondents that the petitioners are cultivating more than the extent of the land, over which, the pattas have been granted, and as there is no dispute that the petitioners have been granted pattas with respect to the extent of the land mentioned by them in the writ affidavit, the respondent authorities are directed not to interfere with the possession and enjoyment of the petitioners to the extent of the land over which they have been granted pattas, and if the petitioners are in occupation of land beyond the extent mentioned in the pattas, the respondent authorities shall strictly enforce the forest laws and prevent the petitioners from doing cultivation or interfering with the same in any manner.

Subject to the above, the writ petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

There shall be no order as to costs.

CHALLA KODANDA RAM, J

9th SEPTEMBER, 2019.

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