

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 22165 of 2019

ORDER :

Petitioner challenges the notice dated 24.09.2019 issued in respect of land admeasuring Acs.5.00 in Survey No. 214/32 situated at Laxmipur Village, Bheemini Mandal, Mancherial District, on the ground that under Section 20 of the Telangana Forest Act, 1967 (for short, 'the Act'), the officer below the rank of a Forest Range Officer is not authorised to issue the same.

Learned counsel for the petitioner submits that his client is cultivating only patta land.

Learned Government Pleader for Forest, on the other hand, submits that the petitioner is encroaching into the forest land under the guise of a patta-holder. According to the learned Government Pleader, the petitioner though claims patta over Acs.5.00, he is in possession of some more land.

Whether the petitioner is cultivating the land which is falling within the reserve forest area or outside the reserve forest is a matter required to be established by the petitioner particularly in view of the allegation of the learned Government Pleader that the petitioner is encroaching into the forest land and that he is in actual occupation of the land other than Acs.5.00. These are all issues of verification which has to be done duly putting the petitioner on specific notice.

Be that as it may, since the petitioner questions the jurisdiction of the Forest Beat Officer under Section 20(3) of the Act which stipulates that a forest officer below the rank of a Ranger is not authorised to issue the notice, the notice dated 24.09.2019

is set aside, however, giving liberty to the respondents to take action in accordance with law, if the petitioner violates any of the provisions of the Act.

The Writ Petition is accordingly, allowed. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

01st October 2019

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