

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.1878 OF 2020

ORDER:

Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader appearing for the respondents.

2. The prayer sought in the writ petition is as under:

'For the reasons stated in accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 5th respondent in interfering with the petitioner's peaceful possession and enjoyment of the patta property in Sy.No.540/513 and 540/513/2 admeasuring Ac.4.15 gts situated at Peddaveedu Village, Mattampalli Mandal, Suryapet District without following due process of law as illegal, arbitrary and unconstitutional and consequently direct the respondents not to interfere with the possession of the petitioner's above mentioned patta property without following due process of law and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances the case.'

3. Learned Government Pleader appearing for the respondents placed on record the counter-affidavit of the fifth respondent. From the perusal of the counter-affidavit, it is revealed that the petitioner was granted patta in Sy.No.540/513 and 540/513/2 in the year 1997 by the revenue officials. However, pattas cannot be granted in the notified forest land by the revenue officials. It is also mentioned that the petitioner, under the guise of patta granted to him, occupied the forest land in Compartment No.11 of Sulthanpur Reserve Forest Land. It is also further mentioned that a joint survey by the revenue and forest authorities was conducted on 21.11.2019 for demarcation of the forest boundary and the boundaries of Sulthanpur Reserve Forest. Accordingly, after survey, the boundaries were clearly demarcated. During the said survey, it was noticed that the petitioner has encroached an extent of Ac.4.15 guntas and it falls inside

the reserve forest boundary limits. Therefore, the petitioner made false allegations in the affidavit filed in support of the writ petition and trying to mislead this Court. It is also further mentioned that the allegation of the petitioner that the fifth respondent has not followed the due process of law is also incorrect.

4. Learned Government Pleader, on instructions, submits that without following the due process of law, the petitioner cannot be evicted from the subject land.

5. Accordingly, the writ petition is disposed of directing the respondents not to dispossess the petitioner from Ac.4.15 guntas situated in Sy.No.540/513 and 540/513/2 of Sulthanpur Reserve Forest without following the due process of law.

6. After dictating the order, the learned counsel for the petitioner submits that the petitioner should be given liberty to challenge the survey conducted by the revenue authorities as well as the forest authorities. The liberty as sought for is accorded.

7. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

JUSTICE P.KESHAHA RAO

Date: 14.02.2020

PGS