

HONOURABLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE Nos. 1139, 1140, 1141, 1142, 1143, 1144
and 1145 of 2019

Date : 01.9.2021

CC No. 1139 of 2019

Between:

Malavath Shobha D/o Malavath Mothilal
Aged about 34 years Occ Agriculture
R/o H No 163/1 Devanpally Village
Bheemgal Mandal Nizamabad District

Petitioner

And

Ramulu and 2 others
Divisional Forest Officer The District Forest Officer
Nizamabad District at Armoor

Respondents

The Court made the following:

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COMMON ORDER:

Heard learned counsel for petitioners Sri H Venugopal and learned Government Pleader for Forest.

2. These contempt cases are filed alleging willful violation of the status quo orders granted by this Court on 12.7.2019 in W.P. Nos. 14201, 14099, 14190, 14195, 14203 and 14199 of 2019 respectively.

3. Petitioners claim that they were assigned land in different extents in various sub divisions of Survey No.95 of Devanpally village, Bheemgal mandal, Nizamabad district and altogether they have been cultivating the said land, whereas, forest officials are disturbing their possession and enjoyment causing hardship and suffering to them. Prima facie, while not agreeing with the contention of the petitioners that the subject land was assigned to them, at the request of the learned Government Pleader to grant time to file counter affidavit, this Court by order dated 12.7.2019 directed maintenance of status quo obtaining as on that date by the parties in all respects.

4. Counter affidavits deposited by Mr A Manoj Kumar, Forest Range Officer are filed stating that entire extend of land

comprising Ac.1217.02 guntas in survey No. 54 is part of Bheemgal Reserve Forest and Ac.867.36 guntas in Survey No. 95 is included in three Reserve Forest Blocks of Devunigutta and Devunigutta -I and II Forest Blocks. It is stated that in Survey No. 95 total extent of Ac.962.38 guntas is notified area.

5. Referring to these statements, learned counsel for petitioners contended that there is still land which is not classified as reserve forest land and petitioners are in occupation of the said extent of land which is not treated as reserve forest land, therefore, forest officials cannot prohibit petitioners from enjoying the said land. He further submitted that in spite of status quo orders being brought to the notice of the respondent officials, they continue to undertake plantation work causing hindrance to the petitioners in carrying out agricultural activities and said action of the respondent officials amounts to violation of the directions of this Court.

6. In response to these submissions, learned Government Pleader for Forest submits that preparatory work for plantation was taken up much earlier and during the first and second weeks of July, 2019 plantation work was in progress and by 12.7.2019 substantive part of plantation work was completed and only few plants were left to be planted on 13.7.2019. When work commenced in the morning on 13.7.2019, petitioners informed the officials that on 12.7.2019 Court granted status quo order. Taking

due note of the status quo order, further plantation work was not carried out in Survey No. 54.

7. Learned counsel for petitioners sought to dispute this statement. It is the assertion of the respondents that the plantation work was taken up in Survey No. 54 and entire plantation work was completed by 12.7.2019. While petitioners claim assignment of land in Survey No. 95, the respondents claim that plantation work was carried out in Survey No. 54. These are matters which require consideration in the writ petitions. No opinion can be expressed on respective submissions with reference to extent of land in Survey No. 54 and Survey No. 95 and whether plantation work was taken up only in Survey No. 54 and whether plantation work was completed. It cannot be said that the respondents have violated the directions of this Court and carried plantation work even after 12.7.2019. At this stage, learned counsel for petitioners sought to contend that Survey No. 95 is abutting Survey No. 54 and under the guise that land in Survey No. 54 is forest land, forest department officials have encroached into the Government land assigned to the petitioners and disturbed the possession of the petitioners and if proper survey is conducted, land assigned to the petitioners can be easily identified.

8. No direction can be issued with reference to aspect of conducting of survey. While closing contempt cases, liberty is

granted to the petitioners to file applications in the pending writ petitions to conduct survey and seek appropriate directions.

9. Accordingly, contempt cases are closed. No costs. Miscellaneous petitions, if any pending, are closed.

DATE: 01-9-2021
TVK

P NAVEEN RAO,J

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