

HON'BLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION No.25051 of 2018

ORDER:

Heard learned counsel for the petitioner as well as learned Assistant Government Pleader for Forests appearing on behalf of the respondents.

2. The petitioner filed this writ petition seeking Writ of mandamus under Article 226 of Constitution of India declaring the action of the respondent Nos.3 and 4 – Forest Range Officer, Miryalaguda, Nalgonda District and Beat Officer, Forest Department, Damarcherla Mandal, Nalgonda District respectively in interfering with the peaceful and legal possession and enjoyment of the land to the extent of Ac.4-36 guntas in Survey No.421/4 situated at Damaracherla Village and Mandal, Nalgonda District(for short patta land).

3. Learned counsel for the petitioner submits that Mandal Revenue Officer granted assigning Patta to the petitioner vide Proceedings No.B/9897/2004 dated 30.12.2004 and since then the petitioner has been in possession and enjoyment of the property but the respondent Nos.3 and 4 are trying to interfere with the

patta land, without issuing any notice.

4. The respondent No.3 filed counter stating that the respondents are not interfering with the petitioner's Patta land but the petitioner under the guise of Patta attempted to encroach the forest land in Comp No. 37 of Reserve Forest Wazeerabad block.

5. This Court while admitting the writ petition granted interim order in I.A.No.1 of 2018 directing the respondents not to meddle with the private property of the petitioner covered by the patta land. However, it is made clear that, under the guise of the said order, petitioner herein shall not encroach upon the reserve forest area. It is open for the respondents to take action as per law if the petitioner herein encroaches upon the reserved forest area.

6. In view of the same, the writ petition is disposed of, directing the respondents not to dispossess the petitioner from the patta land to extent of Ac.4-36 guntas in survey No.421/4 situated at Damaracherla Village and Mandal, Nalgonda District

without following any due procedure of law. It is open for the respondents to take action as per the law if the petitioner encroaches any reserved forest area. No costs.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J. SREENIVAS RAO

24th January, 2023
GV/PSW

HON'BLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION No.25051 of 2018

24th January, 2023

GV/PSW