

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**THURSDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 13972 OF 2024

Between:

Dasari Shankariah, S/o. Dasari Eedaiah. Aged- 43 years, Occ- Forest Agriculture R/o. H. No. 4-48, Penmilla village, Chatrika Banda Thanda, Uppununthala Mandal, Nagarkurnool - 509376.

...PETITIONER

AND

1. State of Telangana, Rep. by its Principal Secretary, Tribal Welfare Department, Secretariat, Hyderabad
2. The District Collector, Nagarkurnool District.
3. The Sub-Divisional Level Committee, Rep. by its Chairperson and Members, Nagarkurnool District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus and Declaration, thereby, Declare the action of the Respondent Nos. 2 and 3 in not considering the Representation dated 19/06/2023 including the individual claim of the Petitioner dated 11-11-2021 recorded in Claim Register No. 12 page No. 04 seeking to grant individual patta as per the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 as illegal, arbitrary, violation of Right to livelihood guaranteed by Article 21 of the Constitution of India and violation of the provisions of Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and Consequently direct the Respondent Nos. 2 and 3 to consider the Representation dated 19-06-2023 including the individual claim of the Petitioner dated 11-11-2021 recorded in Claim Register No. 12 page No. 04 by granting individual patta to Petitioner.

**Counsel for the Petitioner: SRI BAGLEKAR AKASH KUMAR
Counsel for the Respondent No.1: GP FOR SOCIAL WELFARE
Counsel for the Respondent Nos.2 & 3: GP FOR REVENUE**

The Court made the following: ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.13972 of 2024

ORDER:

Heard Mr.Baglekar Akash Kumar, learned counsel for the petitioner and the learned Government Pleader for Social Welfare, appearing on behalf of respondent No.1 and the learned Government Pleader for Revenue, appearing on behalf of respondent Nos.2 and 3.

PERUSED THE RECORD.

2. The petitioner approached the Court seeking prayer as under:

" ...to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus and Declaration, thereby, Declare the action of the Respondent Nos.2 and 3 in not considering the Representation dated 19.06.2023 including the individual claim of the Petitioner dated 11.11.2021 recorded in Claim Register No.12 page No.04 seeking to grant individual patta as per the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 as illegal, arbitrary, violation of Right to livelihood guaranteed by Article 21 of the Constitution of India and violation of the provisions of Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 and Consequently direct the Respondent Nos.2 and 3 to consider the Representation dated 19.06.2023 including the individual claim of the Petitioner dated 11.11.2021

recorded in Claim Register No.12 page No.04 by granting individual patta to Petitioner and pass such other order or orders may deem fit and proper in the circumstances of the case."

3. The grievance of the petitioner is that in spite of petitioner's representation dated 19-06-2023 including the individual claim of the petitioner dated 11-11-2021 recorded in Claim Register No.12, page No.04 seeking to grant individual patta as per the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 but the respondent Nos.2 and 3 failed to consider the representation dated 19-06-2023, including the individual claim of the petitioner dated 11-11-2021 till as on date. Aggrieved by the same, petitioner approached the Court by filing the present writ petition.

4. The learned Assistant Government Pleader for Tribal Welfare, appearing on behalf of respondent No.1 and learned Assistant Government Pleader for Revenue, appearing on behalf of respondent Nos.2 and 3 submits that, the writ petition could be disposed of directing the respondents to consider the petitioner's representation dated 19-06-2023

including the individual claim of the petitioner dated 11.11.2021 in accordance to law within a reasonable period.

5. Taking into consideration the said submission made by the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the respondents, the writ petition is disposed of directing the respondent Nos.2 and 3 to consider the representation of the petitioner dated 19.06.2023 including the individual claim of the petitioner dated 11.11.2021 recorded in Claim Register No.12 page No.04, seeking to grant individual patta to the petitioner as per the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 within a period of six (6) weeks from the date of receipt of a copy of the order, in accordance to law and duly communicate the decision to the petitioner. However, there shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, pending
in the Writ Petition shall also stand closed.

**SD/- N. SRIHARI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Tribal Welfare Department, Secretariat, Hyderabad, State of Telangana.
2. The District Collector, Nagarkurnool District.
3. The Chairperson and Members, Sub-Divisional Level Committee, Nagarkurnool District.
4. One CC to SRI BAGLEKAR AKASH KUMAR, Advocate [OPUC]
5. Two CCs to GP FOR SOCIAL WELFARE, High Court for the State of Telangana, at Hyderabad. [OUT]
6. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
7. Two CD Copies

PSK.



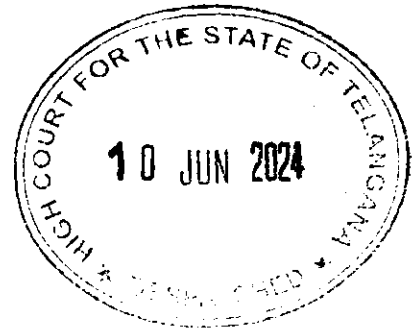
CC TODAY

HIGH COURT

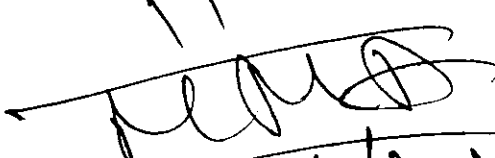
DATED:06/06/2024

ORDER

WP.No.13972 of 2024



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.**

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10/06/2024