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

THURSDAY,THE TWENTY SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 24384 OF 2015

Between:

M/s. Veda Construction Ltd., Rep.by its Director, Mr. Uduthala Krishna Mohan, 2-5-760, Opp Collectorate, Hanamkonda, Warangal District.

...PETITIONER

AND

1. The State of Telangana, Rep.by its Special Chief Secretary Department of Forest, Secretariat Building, Hyderabad.
2. The District Collector, Warangal District, Collectorate, Warangal.
3. The Joint Collector, Warangal District, Collectorate, Warangal.
4. The Assistant Director, Survey & Land Records, Warangal, Dist.
5. The Revenue Divisional Officer, Mulugu Revenue Division, Mulugu, Warangal District.
6. The Tahsildar, Bhupalpally Mandal, Warangal District.
7. The Principal Chief Conservator of Forest, (Head of Forest Office) Aranya Bhavan, Saifabad, Hyderabad.
8. The Conservator of Forest, Warangal District, Warangal.
9. The Asst. Conservator of Forest, Warangal, Warangal District.
10. The Divisional Forest Officer, North Division, Warangal.
11. The Forest Range Officer, Bhupalpally Mandal, (North) Warangal 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 a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in not handing over the patta lands of the petitioner to the extent of Ac. 5.26 in Sy.No. 196 and Ac. 5.37 Gts. In Sy.No. 197 of Kompally Village, Bhoopalpally Mandal, Warangal District, as per earlier joint survey Dt. 15.2.2008, 18.1.2010 and 13.3.2014 by not implementing

the order of the 1st respondent in Memo No. 1258/FOR.I(2)/2009 Dt. 27.3.2014 as illegal, arbitrary and unreasonable and consequently direct the respondents herein to handover the patta lands by removing the Forest Encroachments in Sy.No. 196 and 197 of Kompally Village, Bhoopalapally Mandal Warangal District

I.A. NO: 1 OF 2015(WPMP. NO: 31647 OF 2015)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to handover the patta lands of the petitioner to the extent of Ac. 5.26 in Sy.No. 196 and Ac. 5.37 Gts. In Sy.No. 197 of Kompally Village, Bhoopalpally Mandal Warangal District, as per earlier joint survey Dt. 15.2.2008, 18.1.2010 and 13.3.2014 which is under the illegal encroachment of the respondents 7 to 11 pending disposal of the above writ petition

Counsel for the Petitioner: SRI. K P VIJAY KUMAR

Counsel for the Respondent Nos.1&7 to 11: GP FOR FORESTS

Counsel for the Respondent Nos.2 to 6: GP FOR REVENUE

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No.24384 of 2015

ORDER:

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Forest appearing for respondent Nos.1, 7 to 11. Learned Assistant Government Pleader for Revenue appearing for respondent Nos.2 to 6.

2. This writ petition is filed praying to:

"to declare the action of the respondents in not handing over the patta lands of the petitioner to the extent of Ac.5.26 in Sy No.196 and Ac.5.37 Gts In Sy No.197 of Kompally Village, Bhoopalpally Mandal, Warangal District as per earlier joint survey dated 15.02 2008, 18.01.2010 and 13.03.2014 by not implementing the order of the 1st respondent in Memo No.1258/FOR I2/2009, dated 27.3.2014 as illegal, arbitrary and unreasonable and consequently direct the respondents herein to handover the patta lands by removing the Forest Encroachments in Sy No.196 and 197 of Kompally Village, Bhoopalapally Mandal, Warangal."

3. Brief facts as sated in this writ petition are that petitioner claim to have purchased agricultural dry land to an extent of Ac.16.34 gts in Survey No.196 and Ac.11.18 gts in Survey No.197 totaling 28.12 gts,

vide registered sale deed Doc No.861/2006, dated 01.07.2006 and an extent of Ac.4.23 gts in Survey No.197 gts, vide registered sale deed, vide Doc No.1192/2008, dated 02.04.2008. Thereafter, petitioner made an application before respondent No.3, i.e., Joint Collector, stating that the land in Sy Nos.196 and 197 is encroached by the Forest Department. Subsequently, respondent No.4 has addressed a letter to the Forest Official to depute Forest officials to attend joint inspection along with revenue officials. The Forest officials and Revenue official attended joint inspection and prepared survey report, dated 15.02.2008 with the help of tippon and village map and found that in Sy Nos.196 and 197 of Kompally village, Bhoopalapally Mandal, there was an encroachment of land by the Forest Department.

4. Again, Respondent No.2 asked the respondent No.4 to conduct afresh joint inspection along with the respondents and forest official, accordingly, the respondent No.4 has issued a notice to Forest officials to attend for joint survey on 18.12.2018 and once again panchanama and sketch plan was prepared by the respondent No.4 in the presence of Forest and Revenue Officials and the survey report was signed in the presence of panchas. Meanwhile respondent No.11 i.e., Forest Range Officer, Bhoopalapally Mandal, addressed a letter to respondent No.9 i.e, Assistant Conservator of Forest and stated that he has conducted GPA survey along with existing boundary pillars and existing forest of

Kompally extension block and along with boundaries of Sy Nos.196 and 197 and it was further stated in the proceedings that there are plantations raised by the Forest Department in some portion approximately 5.2 hectors in Sy Nos.196 and 197.

5. Further case is that the respondent No.10, addressed a letter vide Rc.No.4937/2008/A2, dated 15.07.2013 to the respondent No.4 and other respondents, again requesting to conduct another joint survey. Respondent No.4 has given a reply, vide letter dated 24.01.2014 stating that a joint survey was conducted by different survey officers in different spells in the presence of the official respondents, Tahsildar, V.R.O., F.R.O., and Dy.F.R.O.., and given reports stating that certain portion of land in Sy No.196 and 187 was encroached by the Forest Department and no further survey is required. The respondent No.1 addressed a letter dated 25.01.2024 to respondent No.7 i.e., Principal Chief Conservator of Forest to furnish copy of the joint survey report immediately for taking further action, however, the respondent No.7 in his reply disclosed that the forest officials themselves conducted survey of their own land unilaterally on 05.02.2014 and reported that there was no encroachment by the department and the boundaries of forest block have been demarcated with the help of GIS wing.

6. Learned counsel for the petitioner further contended that since Forest officials are not accepting the said earlier joint survey reports, and in pursuance to the directions of District Collector Warangal, the Revenue Divisional Officer, Mulugu i.e., respondent No.5 has addressed a letter dated 05.03.2014 to all the respondents including writ petitioners stating that in view of the boundary disputes and that the earlier joint inspection reports were disputed and in order to fix boundaries of the patta lands in respect of Sy.Nos.192 and 196 of Kompally Village, Bhoopalapally Mandal, Warangal District, notices were issued to the concerned who are located adjacent to Kompally Forest Extension Block and joint inspection was fixed on 13.03.2013 and *vide* letter dated 13.03.2014 issued by Assistant Director of Survey and Land Records, Warangal, it was reiterated that the earlier joint survey was conducted on 15.02.2008 and 18.01.2010 in the presence of revenue and forest officials reported no variation. Thereafter, respondent No.1, vide Memo 1258/FOR.I(2)/2009, dated 27.03.2014 had considered the joint survey report of the respondent No.4 and connected files and directed the Principal Chief Conservator of Forest to take immediate further action to re-fix the boundaries of forest block as well as Patta lands in Survey No.196 and 197 of Kompally Village, Bhoopalapally Mandal, Warangal District .

7. Learned counsel for the petitioner further contended that from the first survey to till date, the Revenue officials neither fixed nor segregated the boundaries of Forest Land and private patta land. Hence, petitioner made representations dated 29.05.2014 and 14.07.2014 to respondents to hand over the petitioner's patta land as per the Survey Report Dated 15.02.2008, 18.01.2010 and 13.03.2014, however till date, no orders were passed by the respondents on the petitioner's representation and pray this Court to pass appropriate order on the petitioner's representation basing on the joint survey report dated 15.02.2008, 18.01.2010 and 13.03.2014.

8. Learned Assistant Government Pleader for Forest appearing for respondents No.1, 7 to 11 submits that during the surveys conducted on 15.02.2008, 18.01.2010 and 13.03.2014, the Forest officials have not signed the said survey report and their names were wrongly mentioned in panchanama and disputed land is a part of Sy No.171 and not in Sy Nos.196 & 197. The forest officials could not object to all the survey reports conducted on 15.02.2008, 18.01.2010 and 13.03.2014, as the same was done unilaterally.

9. Learned Assistant Government Pleader appearing for Forest submits that if the said petitioner's representation is still pending for consideration, the respondent No.2 i.e., District Collector may be directed to dispose of the petitioner's representation, dated

29.05.2014 and 14.07.2014 after giving a fair opportunity of hearing to respondent Nos.7 to 11 i.e., Forest officials and pass appropriate orders in accordance with law.

10. Learned Assistant Government for Revenue did not raise any objection

11. The issue pertains to boundary disputes which cannot be decided on affidavits. In view of the same and recording the submissions made by learned counsel on either side and without expressing any opinion on merits of the case, this Court deems it appropriate to dispose of the writ petition directing respondent No.2 to dispose the petitioner's representations dated 29.05.2014 and 14.07.2014 by considering the joint survey report, dated 15.02.2008, 18.01.2010 and 13.03.2014 after perusing the relevant records and after giving a personal hearing of opportunity to all the concerned parties including petitioner and forest officials shall pass appropriate order in accordance with law within a period of three (3) months from the date of receipt of copy of the order and communicate the same to the concerned parties.

12. It is made clear that, this Court has not expressed any opinion on the title, possession of the parties of the subject property and it is

upto respondent authorities to verify and rectify their records and pass appropriate orders in accordance with law.

13. Accordingly, this writ petition is disposed of. Miscellaneous applications, if any pending, shall stand closed. No order as to costs.

SD/- A. SRINIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

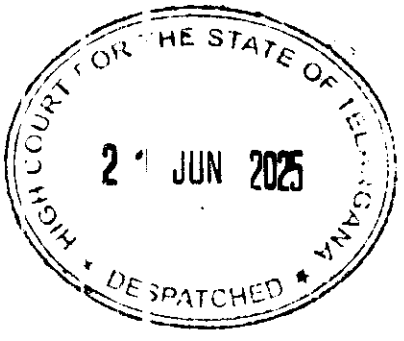
To,

1. The Special Chief Secretary Department of Forest, Secretariat Building, Hyderabad.
2. The District Collector, Warangal District, Collectorate, Warangal.
3. The Joint Collector, Warangal District, Collectorate, Warangal.
4. The Assistant Director, Survey & Land Records, Warangal, Dist.
5. The Revenue Divisional Officer, Mulugu Revenue Division, Mulugu, Warangal District.
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9. The Asst. Conservator of Forest, Warangal, Warangal District.
10. The Divisional Forest Officer, North Division, Warangal.
11. The Forest Range Officer, Bhupalpally Mandal, (North) Warangal District.
12. One CC to SRI. K P VIJAY KUMAR Advocate [OPUC]
13. Two CCs to GP FOR FORESTS ,High Court for the State of Telangana. [OUT]
14. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
15. Two CD Copies

KKS
GJP

HIGH COURT

DATED:26/12/2024



ORDER

WP.No.24384 of 2015

DISPOSING THE WRIT PETITION
WITHOUT COSTS

(19) MT
21/12/25