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

FRIDAY,THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 20338 OF 2015

Between:

1. Chaganti Sampath S/o Buchaiah, age 30 yrs, Occ Agrl. Coolie, resident of Mothe Village, Pinapaka Mandal, Khammam District
2. Chaganti Buchaiah S/o Venkataiah, age 48 yrs, Occ Agrl. Coolie, resident of Mothe Village, Pinapaka Mandal, Khammam District
3. Chaganti Savithri W/o Buchaiah, age 40 yrs, Occ Housewife and Coolie, resident of Mothe Village, Pinapaka Mandal, Khammam District
4. Menthena Venkanna S/o Narsaiah, age 35 yrs, Occ Coolie, resident of Mothe Village, Pinapaka Mandal, Khammam District
5. Menthena Nagesu S/o Narsaiah, age 30 yrs, Occ Agrl. Coolie, resident of Mothe Village, Pinapaka Mandal, Khammam District
6. Menthena Sreenu S/o Narsaiah, age 33 yrs, Occ Agrl. Coolie, resident of Mothe Village, Pinapaka Mandal, Khammam District
7. Akkireddy Mallikamba W/o Sanjeeva, age 40 yrs, Occ Housewife and Coolie, resident of Mothe Village, Pinapaka Mandal, Khammam District
8. Sheru Prathap S/o Adeiah, age 20 yrs, Occ Agrl. Coolie, resident of Mothe Village, Pinapaka Mandal, Khammam District

...PETITIONER

AND

1. The State of Telangana, Rep by its Prl. Secretary for Home for Telangana Secretariat, Hyderabad
2. The State of Telangana, Rep by its Prl. Secretary for Forests for Telangana, Secretariat, Hyderabad
3. The Forest Beat Officer, FSO, Rangapuram, Pinapaka Mandal Khammam
4. The S.I of Police, Karakagudem Police Station Pinapaka Mandal Khammam Dist.

...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, direction, or order more particularly one in the nature of

Writ of Mandamus or any other Writ or order/direction commanding respondent No 3 and 4 declaring the action of making attempts to dispossess the petitioners without any lawful authority as illegal and consequentially direct the Respondents not to dispossess the petitioners from land in Sy.no 48 of extent of Ac.20-00 situated at Mothe revenue village, Pinapaka Mandal, Khammam District.

I.A. NO: 1 OF 2015(WPMP. NO: 26197 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 pass interim orders directing the Respondents not to dispossess the petitioners from land in Sy.no 48 an extent of Ac-20-00 situated at Mothe Revenue Village, Pinapaka Mandal, Khammam District in interest of justice.

Counsel for the Petitioners: SRI. S RAJ KUMAR

Counsel for the Respondent Nos.1&4: AGP FOR HOME

Counsel for the Respondent NO.2&3: AGP FOR FORESTS

The Court made the following: ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.20338 OF 2015

ORDER:

Heard Sri S. Raj Kumar, learned counsel appearing on behalf of the petitioners, learned Assistant Government Pleader for Home, appearing on behalf of respondent Nos.1 and 4 and learned Assistant Government Pleader for Forests, appearing on behalf of respondent Nos.2 and 3.

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

> " ...to issue a Writ, direction, or order more particularly one in the nature of Writ of *Mandamus* or any other Writ or order/direction commanding respondent Nos.3 and 4 declaring the action of making attempts to dispossess the petitioners without any lawful authority as illegal and consequentially direct the Respondents not to dispossess the petitioners from land in Sy.No.48 to an extent of Ac.20-00 situated at Mothe revenue village, Pinapaka Mandal, Khammam District...".

3. The case of the petitioners, in brief, is that the petitioners have been cultivating podu lands admeasuring Ac.20.00 cents in Sy.No. 48 situated at Mothe Village, Pinapaka Mandal, Khammam District. The forest beat officer and the police authorities are

trying to enter into their land and dig pits with proclainers to obstruct the petitioners from cultivating. The respondent Nos.3 and 4 are claiming that there is a boundary dispute between Revenue and Forest Department. The petitioners submitted a Prajavani complaint to the Project Officer, ITDA, Bhadrachalm, who in turn issued letter 11.05.2015 to the Divisional Forest officer, Palvancha to conduct a joint survey of forest officials. However, the respondent Nos.3 and 4 are trying to evict the petitioners from the subject lands. Aggrieved thereby the petitioners approached the Court by filing the present writ petition.

PERUSED THE RECORD

4. This Court passed orders on 06.07.2015 in W.P.M.P. No. 26197 of 2015 in present W.P. No. 20338 of 2015 observing as under:

> "It is submitted by the learned counsel for the petitioners that the petitioners are the owners and pattadars of land in Survey No.48 in an extent of Ac.20.00 situated at Mothe Revenue Village, Pinapaka Mandal in Khammam District and they are having pattadar pass books also.

In the circumstances, the respondents shall not interfere with the possession of the above land without following due process of law".

5. The learned Assistant Government Pleader for Forests appearing on behalf of respondents submits that the writ petition could be disposed of in terms of the interim orders dated 06.07.2018 passed in W.P.M.P. No. 26197 of 2015 in W.P. No. 20338 of 2015 which are in force as on date and the respondents may however be directed to initiate appropriate action against the petitioners as per the provisions of the Telangana Forest Act, 1967 in the event petitioners encroach forest land under the guise of the present orders to be passed in the present Writ Petition.

6. The learned counsel appearing on behalf of the petitioners does not dispute the said submissions made by the learned Assistant Government Pleader for Forests, appearing on behalf of respondents.

7. <u>Taking into consideration</u> :

(a) The aforesaid facts and circumstances of the case,

(b) The submissions made by learned counsel appearing on behalf of the petitioners and the learned Assistant Government Pleader for Forests, appearing on behalf of the respondents,

(c) The interim orders of this Court dated 06.07.2015 passed in W.P.M.P. No. 26197 of 2015 in W.P. No. 20338 of 2015 which are in force as on date,

The writ petition is disposed of directing the respondents not to interfere with the possession of the land to an extent of Ac.20.00 guntas in Sy.No. 48 situated at Mothe Revenue Village, Pinapaka Mandal, Khammam District without following due process of law. It is however, observed that under the guise of present orders if the petitioners encroach the forest land, the respondents are at liberty to take appropriate action against the petitioners as per the provisions of Telangana Forests Act, 1967. 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/- T. TIRUMALA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Prl. Secretary for Home for Telangana Secretariat, Hyderabad
2. The Prl. Secretary for Forests for Telangana, Secretariat, Hyderabad
3. The Forest Beat Officer, FSO, Rangapuram, Pinapaka Mandal Khammam
4. The S.I of Police, Karakagudem Police Station Pinapaka Mandal Khammam Dist.

5. One CC to SRI. S RAJ KUMAR Advocate [OPUC]
6. Two CCs to GP for Forests, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CCs to GP FOR HOME, High Court for the State of Telangana. [OUT]
8. Two CD Copies

KKS
GJP

CC TODAY

HIGH COURT

DATED:28/02/2025



ORDER

WP.No.20338 of 2015

DISPOSING OF THE WRIT PETITION WITHOUT COSTS

PA
12 18/8/25