IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE FOURTH DAY OF SEPTEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 10782 OF 2025

Between:

1. Madhavarapu Sathyanarayana Rao, S/o. Madhavarapu Madhava Rao, Aged about 69 years, Occ Agriculture, R/o. H. No. 1-77, Sabbapally Village of Hazipur Niandal, Dist. Mancherial
2. Mittapally Sugunakar Rao, S/o. Mittapally Venkat Rao, Aged about 62 years, Occ Agriculture, R/o. H. No. 4-69/62/62/A/1, Vidyaranyapuri, Karimnagar, Dist. Karimnagar.

...PETITIONERS/ACCUSED No.1 and 2

AND

The State of Telangana, through Forest Beat Officer, Yellaram, Range Kushnapally Rep. b. Public Prosecutor, High Court of Telangana, Hyderabad.

...RESPONDENT

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the Primary Offence Report, 17/CR/KPL/23-24 (POR) No. 100/04, Dated 30.01.2024 issued by Respondent against the petitioners/Accused No. 1 and 2 herein.

I.A. NO: 2 OF 2025

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, he High Court may be pleased to stay all further proceedings in Primary Offence 17/CR/KPL/23-24 (POR) No. 100/04, Dated 30.01.2024 Forest Beat Officer, Yellaram Range Kushnapally.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Kondadi Ajay Kumar, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor (TG) on behalf of the Respondent.

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.10782 of 2025

ORDER:

This Criminal Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners/accused Nos.1 and 2 seeking to quash proceedings against them in the Primary Offence Report (POR) NO.100 of 2004 on the file of the Forest Beat Officer, Yellaram, Range Kushnapally, for the alleged offences punishable under Sections 20 (i)(C)(ii)(iii)(vii)(ix)(x) of the Telangana Forest Act, 1967 (for short 'TSF Act) and Section 2 of the Forest Conservation Act, 1980 (for short 'FC Act').

2. Heard Sri Kondadi Ajay Kumar, learned counsel for the petitioners and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent-State.

3. Learned counsel for the petitioners submitted that the allegation that the petitioners encroached upon forest land is completely false. He submitted that a survey and *panchanama* were conducted, and that there exists a dispute between the petitioners and the forest officials. He further submitted that the petitioners, along with several others, are *pattedars* of an extent of Ac.111.00 of land, and as per the official survey, an extent of

Ac.105.00 in Survey No.25 is classified as forest land. The petitioners holds valid *pattas* in their names and have never encroached upon any forest land. Therefore, it is contended that the petitioners are facing false allegations. Hence he prayed the Court to quash the proceedings against the petitioners.

4. On the other hand, the learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioners. He contended that the petitioners, along with others, are involved in damaging the trenches and unlawfully occupying the notified forest land. He further submitted that the sketch plan available at page No.20 of the material papers clearly indicates the boundaries of the forest land, which has been classified as notified land. Despite this, it is alleged that the petitioners have been removing the trenches demarcating the forest area. Therefore, he prayed to dismiss the petition.

5. Perused the record. It is observed that both the learned Additional Public Prosecutor and the learned counsel for the petitioners have relied upon the sketch map. The learned counsel for the petitioners submits that the petitioners are the *pattedars* of the abutting lands, whereas the learned Additional Public Prosecutor contends that the petitioners are encroaching upon

the notified forest land. The record indicates that the forest land has been clearly demarcated, and there should be no dispute regarding the extent of the forest land. In fact, the learned counsel for the petitioners have themselves admitted that an extent of Ac.105.00 is notified as forest land. The material on record further reveals that a joint survey was earlier conducted by the Revenue Officials and Forest Officials in the presence of petitioners and some others, pursuant to which the land was demarcated, and it was concluded that a total extent of Ac.105.01 is under the possession of the Forest Department. Despite the said *panchanama*, the alleged incident has occurred.

6. In view of the facts and circumstances of the case, it is opined that a fresh joint survey should be conducted by the Revenue and Forest Officials, in the presence of police authorities, to once again demarcate the land belonging to the Forest Department and to put an end to the dispute.

7. Accordingly, the Criminal Petition is disposed of with a direction that a re-survey of the subject land shall be conducted by the Revenue Officials in coordination with the Forest Department and in the presence of the Police Department.

8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

Sd/- B. REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Forest Beat Officer, Yellaram Range Kushnapally
2. One CC to Sri Kondadi Ajay Kumar, Advocate [OPUC]
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. Two CD Copies

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HIGH COURT

DATED:04/09/2025



ORDER

CRLP.No.10782 of 2025

Disposing of the Criminal Petition

25/11/25