IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WRIT APPEAL NO: 194 of 2025

Neerukattu Ramanjaneyulu ...Appellant

Vs.

The State Of Andhra Pradesh and Others ...Respondent(s)

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CORAM : THE CHIEF JUSTICE LISA GILL

SRI JUSTICE CHALLA GUNARANJAN

DATE : 3rd November 2026

Present:

Advocate for Appellant: S SYAMSUNDER RAO

Advocate(s) for Respondent(s): GP FOR REVENUE,

GP FOR FORESTS

JUDGMENT: (per Hon'ble Sri Justice Challa Gunaranjan)

Unsuccessful writ petitioner preferred present intra-court appeal assailing order dated 23.01.2025 in W.P. No.2381 of 2023, whereby learned single judge dismissed the writ petition.

2. (a) Appellant/writ petitioner's mother is stated to have been issued D-form Patta by proceedings dated 17.11.2006 by Tahsildar, Banaganapalle Mandal, assigning an extent of 5 Acres

in Survey No.165 of Gulamaliabad Village, Banaganapalle Mandal, Nandyal District. After demise of petitioner's father, he is stated to have inherited the property and an extent of Acres 2.50 cents in Survey No.165 has been mutated in his name.

(b) That being so, 2nd respondent issued impugned eviction notice dated 01.09.2022, *inter alia,* stating that an extent of 3 Acres in Compt. No.325 of G.A. Bad notified as reserve forest, since has been under occupation, an explanation was called for why he should not be evicted from the said land. After submitting explanation dated 29.09.2022, petitioner preferred present writ petition.

(c) Counter was filed on behalf of respondents 3 and 4, inter alia stating that initial notification under Section 4 of A.P. Forest Act, 1967 (herein after, for short 'the Act') was issued on 03.06.1967 proposing to constitute Reserve Forest which included subject land, thereafter, proclamation notification was issued on 16.01.1968 under Section 6 of the Act specifying limits of proposed reserve forest and forest settlement officer was appointed to deal with objections, if any, to be submitted thereon. Therefore, when once subject land was falling within proposed forest area, in view of bar envisaged under Section 7 of the Act, which specifically

prohibited creation of fresh rights in favour of third parties, D-form Patta, even if any, issued by Tahsildar would be void and unenforceable.

(d) Considering aforesaid submissions, learned Single Judge dismissed the writ petition. Hence, present appeal.

3. Heard Sri Syamsunder Rao, learned counsel appearing for appellant and learned Assistant Government Pleader for Forest appearing for respondents.

4. (a) Learned counsel for appellant contended that in the absence of final notification issued under Section 15 of the Act, rights accrued in favour of petitioner by virtue of D-form Patta cannot be taken away merely on the strength of notifications issued under Section 4 r/w 6 of the Act.

(b) It is further contended that even notification issued under Section 4 does not specifically reflect Survey No.165 in which subject property is situated, and that apart, the joint survey report, as well as counter filed by Tahsildar, clearly admitted the subject property to be classified as 'Government Dry' (dotted) in revenue records. Hence, the same cannot be construed as forest land,

empowering respondents 2 and 3 to exercise jurisdiction over the same.

(c) As title to the property is clearly vested with appellant, and there is any amount of dispute with regard to classification of land, respondents 2 and 3 cannot evict the appellant by resorting to summary procedure, rather ought to have approached competent civil court for declaration. In support, reliance has been placed on the judgment of the Hon'ble Apex Court in **Government of Andhra Pradesh v. Thummala Krishna Rao**[1].

5. (a) Conversely, learned Assistant Government Pleader, opposing aforesaid submissions, contended that notification issued under Sections 4 and 6 proposing to carve out reserve forest was on the basis of station numbers and not R.S. numbers, therefore, contention of appellant that notification does not specifically refer to R.S. No.165 is neither here nor there.

(b) It is further submitted that joint inspection report dated 10.09.2024, consisting of officials of both revenue as well as forest department, since categorically found that Survey No.165 was falling in Compt. No.325 of G.A. Bad North Block Reserve Forest,

[1] (1982) 2 SCC 134

mere entry in revenue record as 'Government Dry' (dotted) would in no manner confer any power or jurisdiction on Tahsildar to issue D-form Patta, that too after issuance of notifications under Section 4 and 6 respectively.

(c) It is further submitted that in view of bar under Section 7, even Tahsildar was incompetent to create any fresh rights over subject land. Learned Single Judge, considering aforesaid aspects, has rightly dismissed the writ petition. Thus, urged for dismissal of the appeal.

6. We have considered submissions made on behalf of parties and perused the record.

7. Appellant's mother claimed to have been granted D-form Patta. Perusal of Patta indicates that an extent of 5 acres in R.S. No.165 of Gulamaliabad village has been assigned to her in the year 2006. Revenue records such as 1-B reflect name of petitioner as Pattadar to an extent of 2.50 acres, besides issuing Pattadar Passbook.

8. Be that as it may, as can be seen from records, in particular notifications issued under Sections 4 and 6 and joint inspection report dated 10.09.2024, land covered by Survey No.165, though

has been noted as 'Government Dry' (dotted), nevertheless was falling in reserve forest Compt. No.325 of G.A. Bad North Block.

9. 1st respondent filed additional affidavit dated 21.09.2026 by enclosing maps indicating reserve forest area with reference to station numbers and juxtaposing with R.S. numbers. Categorical assertion has been made in the said affidavit that land in R.S. No.165 falls within Compt. No.325 of reserve forest. This factual assertion has not been controverted to by appellant by filing appropriate rejoinder.

10. In the aforesaid background, once subject land forms part of notifications issued under Sections 4 and 6, in view of bar under Section 7, no Patta could have been issued in favour of appellant's mother. Therefore, learned Single Judge was justified in holding that Tahsildar had no power to issue D-form Patta. Even in the absence of final notification under Section 15, since there is a bar on creation of fresh rights in favour of third parties, petitioner cannot have any right over the property, thus, we do not find any infirmity in the order passed by learned Single Judge to interfere.

11. Accordingly, this writ appeal stands dismissed. No costs.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

LISA GILL, CJ **CHALLA GUNARANJAN, J**

Dt: 03.11.2026
SS