APHC010110162025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3396]**
(Special Original Jurisdiction)

THURSDAY, THE 5th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

WRIT PETITION NO: 6552/2025

Between:

1. VAKUDAVATH HANUMANTH NAIK, , S/0 V. JETHYA NAIK (REPRESENTATIVE) AGED ABOUT 41 YEARS, OCC-AGRICULTURAL LABOUR R/0.D.N0.1-35-A, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

2. VAKUDAVATH SONI BAI, W/O HANUMA NAIK AGED ABOUT 46 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-35 E, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

3. KETHAVATH DEVI BAI, W/O SOMLA NAIK AGED ABOUT 43 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-14, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

4. VAKUDAVATH SRINU NAIK, S/O SOMA NAIK AGED ABOUT 42 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-33 C, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

5. VAKUDAVATH KONDA NAIK, S/O SOMA NAIK AGED ABOUT 36 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-33, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

6. VAKUDAVATH MEGYA NAIK, S/O THOURYA NAIK AGED ABOUT 71 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-7, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU

DISTRICT-522663. ANDHRA PRADESH.

7. VAKUDAVATH KOTA SWAMY NAIK, S/O KOTA AGED ABOUT 40 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-173, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

8. VADITHYA BARMA NAIK, S/O BALYA NAIK AGED ABOUT 41 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.2-02, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

9. VADITHYA NAGESWARA RAO NAIK, S/O REDDY NAIK AGED ABOUT 44 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.3-164, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

10. RAMAVATH BALI BAI, W/O SAMYA NAIK AGED ABOUT 40 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.3-110 A, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

11. VAKUDAVATH KOULI BAI, W/O SWAM I NAIK AGED ABOUT 41 YEARS, OCC-AGRICULTURAL LABOUR R/0.D.N0.1-25-D, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

12. VADITHE BABU NAIK, S/O REDDY NAIK AGED ABOUT 52 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.3-164, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

13. VADITHE SRINU NAIK, S/O BALYA NAIK AGED ABOUT 40 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-153, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

14. VAKUDAVATHU LAKSHMI BAI, W/O SEELA NAIK AGED ABOUT 63 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-36, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

15. VAKUDAVATH MANGYA NAIK, S/O THAVARIYA NAIK AGED ABOUT 56 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-56,

GAN DI GAN U MALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

16. VADITE POYANNA, S/O BALU NAIK AGED ABOUT 47 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-0, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

17. MUDAVATHU SAKRIYA NAIK, S/O TULASI NAIK AGED ABOUT 56 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-1704, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

18. VAKUDAVATH LAKSHMI BAI, W/O SANDYA NAIK AGED ABOUT 76 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.3-70/A2, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

19. VAKUDAVATH PARVATHI BAI, W/O PEDA KOTA NAIK AGED ABOUT 41 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.3-91, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

20. VAKUDAVATH BUDLI NAIK, S/O BALYA NAIK AGED ABOUT 83 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-53, NEAR POST OFFICE, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

21. VAKUDAVATHU BABU NAIK, S/O SEVA NAIK AGED ABOUT 47 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-89, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

22. VAKUDAVATH THAI BAI, W/O KOTA NAIK AGED ABOUT 53 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-34, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

23. MUDAVATH THULASI NAIK, S/O. CHINNA NAIK AGED ABOUT 40 YEARS, OCC-AGRICULTURAL LABOUR R/0 D.N0.1, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

24. NENAVATHU RAMA CHANDRA NAIK, S/O SAKRIYA NAIK AGED ABOUT 32 YEARS, OCC-AGRICULTURAL LABOUR R/0.D.N0.1-189-K, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

25. VAKUDAVATHU CHANDRA LAL NAIK, S/O SAMYA NAIK AGED ABOUT 48 YEARS, OCC-AGRICULTURAL LABOUR BAI R/O.D.NO.1-72 A, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

26. RAMAVATH MURTHY BAI, W/O KIRIYA NAIK AGED ABOUT 61 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-194, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

27. VAKUDAVATH KOTA NAIK, S/O CHINNA BIKYA NAIK AGED ABOUT 56 YEARS, OCC-AGRICULTURAL LABOUR R/0.D.N0.1-16-A, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

28. MUDAVTH LAKSHMA NAIK, S/O HANUMA NAIK AGED ABOUT 51 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-173, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

29. VAKUDAVATHU LAKSHMI BAI, W/O KANTA NAIK AGED ABOUT 56 YEARS, OCC-AGRICULTURAL LABOUR R/0.D.N0.1- 11, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

30. VAKUDAVATH KOTESWRA NAIK, S/O DEEPLA NAIK AGED ABOUT 50 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-80, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

31. VAKUDAVATH TVERIYA NAIK,, S/0 BUKKA NAIK, AGED ABOUT 41 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-201, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

32. NENAVATHU DALVI BAI, W/O CHINNA NAIK AGED ABOUT 47 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-66, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU

DISTRICT-522663. ANDHRA PRADESH.

33. KATAVATHU HANUMA NAIK, S/O CHAKRIYA NAIK AGED ABOUT 41 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-122, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

34. VAKUDAVATH BALA NAIK, S/O DHANJI NAIK AGED ABOUT 36 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-153, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

35. VAKUDAVATH PARSIYA NAIK, S/O YANDO NAIK AGED ABOUT 71 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-57, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

36. VAKUDAVATH RAMESH NAIK, S/O SIDDA NAIK AGED ABOUT 39 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-44 G, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

37. VAKUDAVATHU HARI BABU NAIK, S/O SOMA NAIK AGED ABOUT 41 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-33 B, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

38. NENAVATH KOTESWARA NAIK, S/O BIGNA NAIK AGED ABOUT 41 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-186. GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

39. VAKUDAVATH SIVA NAIK, S/O SAMINI NAIK AGED ABOUT 39 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-86, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

40. VAKUDAVATH SAMYA NAIK, S/O JETHYA NAIK AGED ABOUT 66 YEARS, OCC-AGRICULTURAL LABOUR R/O.D.NO.1-14, GANDIGANUMALA VILLAGE, BOLLAPALLI MANDAL, PALNADU DISTRICT-522663. ANDHRA PRADESH.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL CHIEF CONSERVATOR OF FORESTS, ARANYA BHAVAN, MANGALAGIRI, ANDHRA PRADESH.
2. THE STATE OF ANDHRA PRADESH, REP BY ITS SPECIAL CHIEF SECRETARY TO THE GOVERNMENT, ENVIRONMENT, FORESTS, SCIENCE AND TECHNOLOGY(GOVT, EFS AND T) DEPARTMENT ARANYA BHAVAN, MANGALAGIRI, ANDHRA PRADESH.
3. THE DISTRICT FOREST OFFICER, PALNADU DISTRICT, NARASARAOPETA- PALNADU DISTRICT-AP
4. THE FOREST RANGE OFFICER, VINUKONDA- PALNADU DISTRICT-AP
5. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, TRIBAL WELFARE DEPARTMENT, SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT.
6. THE DISTRICT TRIBAL WELFARE OFFICER, PALNADU DISTRICT, NARASARAOPETA- PALNADU DISTRICT-AP
7. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT VELAGAPUDI, GUNTUR DISTRICT.
8. THE DISTRICT COLLECTOR, PALNADU DISTRICT, NARASARAOPETA- PALNADU DISTRICT-AP
9. THE SUBDIVISIONAL LEVEL DISTRICT COMMITTEE, REP BY ITS CHAIRMAN, NARASARAOPETA. PALNADU DISTRICT-522601.
10. THE DISTRICT LEVEL COMMITTEE, REP BY ITS CHAIRMAN. NARASARAOPETA. PALNADU DISTRICT-522601

...RESPONDENT(S):

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, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondent authorities in recognizing and vesting the forest rights of the petitioners in Sy.No.237/13, comprising 206.8000 acres, situated within the village limits of

Gandiganumala, Bollapalle Mandal, Palnadu District (Domalagundam Beat, Compartment No.35, E-X Block, Vinukonda Range, Palnadu Division), despite the approval of the Forest Rights Committee dated 06.12.2021 and the Gram Sabha Resolution as per Section 6(1) of the Forest Rights Act, 2006, the said inaction is illegal, arbitrary, and in violation of the Forest Rights Act, 2006, principles of natural justice, and Articles 14, 15, 21, and 46 of the Constitution of India and consequently direct the respondents to consider any of the two evidence as available to establish their possession at any point in time in order to recognize the forest rights of the petitioners Sy.No.237/13, comprising 206.8000 acres, situated within the village limits of Gandiganumala, Bollapalle Mandal, Palnadu District (Domalagundam Beat, Compartment No.35, E-X Block, Vinukonda Range, Palnadu Division) by concluding due process under Section 6 of Forest Rights Act, 2006, and to pass

Counsel for the Petitioner(S):

1. THOMMANDRU V SARADHI

Counsel for the Respondent(S):

1. GP FOR REVENUE
2. GP FOR FORESTS
3. GP FOR SOCIAL WELFARE

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

WRIT PETITION NO: 6552 of 2025

ORAL ORDER:-

The Writ Petition is filed seeking a direction to the respondent authorities to recognize and grant forest rights to the petitioners over Ac.206.8000 cents of land in Sy.No.237/13, situated at Gandiganumala Village, Bollapalle Mandal, Palnadu District, by considering the approval of the Forest Rights Committee dated 06.12.2021 and the Gram Sabha Resolution, and to complete the process in accordance with Section 6 of the Forest Rights Act, 2006.

2. Heard Sri Thommandru V Saradhi, learned counsel for the petitioners, Ms.Kotha Veera Naga Pallavi, learned Assistant Government Pleader for Forests and Sri K.Dilip Naik, learned Assistant Government Pleader for Revenue and the learned Government Pleader for Tribal Welfare for the respondents.

3. Learned counsel for the petitioners would submit that the petitioners herein are 40 in number and are Tribals. They have been in possession and enjoyment of the subject land from the year 1985 onwards, on different dates respectively. Learned counsel would further submit that they submitted a representation to the District Collector, dated 02.07.1996, seeking issuance of pattas recognizing their possession, which was rejected by the District Collector *vide* orders dated 02.07.1996 and 27.08.1996.

4. Thereafter, they submitted a representation to the Chief Minister, dated 13.05.1997, which was not considered. Learned counsel would further submit that, at a later point of time, the ROFR Act came into force. As per Section 4 of the said Act, the petitioners are entitled to pattas under the ROFR Act, provided they establish their possession as on the effective date, i.e., 03.12.2005, by producing two documents to prove their possession.

5. Learned counsel would further submit that the respondent-authorities are required to follow the procedure laid down under Rule 11 of the ROFR Act in the present matter. The Forest Rights Committee conducted an enquiry and observed that the petitioners were in possession of the subject land from 1990 to 2003 and that they left the place during the years 2003 to 2005 due to drought and migrated to other places. However, they continued to attend to their activities in the subject land intermittently.

6. Learned counsel for the petitioners would further submit that, thereafter, the Grama Sabha, consisting of members from different departments, passed a resolution dated 08.12.2021. He would further submit that, till then, the Sub-Divisional Level Committee had not taken any action. Learned counsel would further submit that the guidelines were framed in the year 2012. Learned counsel would further submit that the online images cannot be treated as representative of the documents furnished by the petitioners in accordance with Rule 13. The Forest authorities cannot substitute online images for the documents furnished by the petitioners to discredit the version of the claimants.

7. Learned counsel would further submit that the learned Assistant Government Pleader for Forests had represented across the Bench that the Sub-Divisional Level Committee had rejected their claims, but the petitioners were never served with any such proceedings. Learned counsel would further submit that, in fact, the Sub-Divisional Level Committee has no authority either to reject or allow the claims, but is only required to forward its enquiry report to the District Level Committee under Rule 6(a)(j) of the ROFR Act. Learned counsel finally submits that he was informed by his clients that, in fact, the Sub-Divisional Level Committee had recommended their claims to the District Level Committee *vide* proceedings dated 30.09.2026. A copy of the said proceedings was placed on record across the Bench.

8. It is represented across the Bench that the District Tribal Welfare Officer addressed a letter to the District Forest Officer, Palnadu, vide Rc.No.T9/230/2026, dated 30.09.2026, based on the representation made by one Sri Hanumanth Naik on behalf of 41 claimants of Gandiganumala Village, requesting the District Forest Officer to examine the claim in accordance with the provisions of the Forest Rights Act, 2006, and emphasizing the need to ascertain the actual physical extent and boundaries of the total community cultivated area. It is also represented that a fresh joint physical survey and verification may be conducted in the presence of the Tribal Welfare and Revenue Departments, as well as the claimants, by identifying and demarcating the outer boundary of the entire claimed cultivation area.

9. Learned counsel for the petitioners would submit that, in the light of the said development, the Writ Petition may be disposed of, giving a direction to the respondents to scrutinize the claims of the petitioners as per the provisions of the ROFR Act, 2006.

10. Learned Assistant Government Pleader for Forests, learned Government Pleader for Tribal Welfare and learned Assistant Government Pleader for Revenue would submit that this Court may pass appropriate orders, since the claims of the petitioners are pending consideration before the Sub-Divisional Level Committee.

11. In the light of the submissions made, since the respondent authorities have not taken any decision on the claims of the petitioners, it is apposite to dispose of the present Writ Petition, directing the respondent authorities to scrutinize the applications in accordance with the provisions of the ROFR Act, 2006, taking into consideration the request made by the District Tribal Welfare Officer, conduct a joint survey, examine the facts at the ground level and take an appropriate decision in accordance with the governing Rules and law.

12. With this observation, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed. Interim order if any, deemed to have been vacated.

Dr. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 05.11.2026.
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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

WRIT PETITION NO: 6552 of 2025

Dt.05.11.2026

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