APHC010731422018

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: 35328/2018

Between:

1. SMT. S. DEVI, W/O LATE S. PERISWAMI REDDY, AGED ABOUT 45 YEARS, AGRICULTURE LABOUR, R/O 1-58/A, ELAKATURU VILLAGE, NINDRA MANDAL, CHITTOOR DISTRICT.

2. MR. K. MUNASWAMY REDDY, S/O CHINNASWAMY REDDY, AGED ABOUT 55 YEARS AGRICULTURE LABOUR,R/O 1-91, ELAKATURU VILLAGE, NINDRA MANDAL,CHITTOOR DISTRICT.

3. MR. K. GOPAL REDDY, S/O CHINNASWAMY REDDY AGED ABOUT 59 YEARS, AGRL. LABOUR, R/O 1-91A ELAKATURU VILLAGE, NINDRA MANDAL,CHITTOOR DISTRICT.

4. SMT. A. MANEMMA, W/O LATE KUPPI REDDY, AGED ABOUT 77 YEARS AGRICULTURE LABOUR, R/O 1-69A, ELAKATURU VILLAGE, NINDRA MANDAL,CHITTOOR DISTRICT.

5. SMT. M. MARIAMMA, W/O VENKATESULU (SC),AGED ABOUT 35 YEARS, AGRL. LABOUR, R/O 1-69A, ELAKATURU VILLAGE, NINDRA MANDAL,CHITTOOR DISTRICT.

6. SMT. S. DHANALAKSHMI, W/O LATE KANNIVELU, AGED ABOUT, AGL. LABOUR R/O 1-58, ELAKATURU VILLAGE, NINDRA MANDAL,CHITTOOR DISTRICT.

7. MR. R. VENKATESWARLU NAIDU, S/O LATE AGED ABOUT 60 YEARS, CULTIVATION, R/O KEELAMBAKAM VILLAGE, NINDRA MANDAL, CHITTOOR DISTRICT.

...PETITIONER(S)

AND

1. THE STATE OF A P, REP. BY ITS PRINCIPAL SECRETARY . FOREST DEPARTMENT, SECRETARIAT-VELAGAPUDI AT VIJAYAWADA, KRISHNA DISTRICT.

2. THE DISTRICT FOREST OFFICER, CHITTOOR EAST, . CHITTOOR DISTRICT.

3. THE DIVISIONAL FOREST OFFICER, PUTTUR DIVISION, . CHITTOOR DISTRICT.

4. THE FOREST RANGE OFFICER, PUTTER RANGE, CHITTOOR . DISTRICT

5. THE DISTRICT COLLECTOR, CHITTOOR DISTRICT. .

6. THE MANDAL TAHSILDAR, NINDRA MANDAL CHITTOOR . DISTRICT.

...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 toto issue a writ, direction/direction(s), order or orders more particularly one in the nature of a writ of Mandamous declaring the action of the respondent Nos. 2 to 4 in resorting to do trench work in the 'Petition schedule lands' without issuing any notice nor following due process of law as illegal, arbitrary, high handed, without authority or power and violation of Article 19(1)(g) of the constitution of India apart from viaztion of principles of natural justice by setting aside the same and consequentially direct the respondent Nos. 1 to 4 not to interfere with the Possession and enjoyment of the Petitioners in respect of their respective DKT/Private Patta lands in the interest of justice and pass

IA NO: 1 OF 2018

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 respondent Nos. 2 to 4 not to carry any trench work in the `Petition schedule lands', pending disposal of the Writ Petition in the interest of justice and pass

IA NO: 1 OF 2021

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 pleased to vacate the interim orders dt: 28-09-2018 passed in IA.No.1/2018 in WP.No.3532812018 and dismiss the writ petition and pass such other

IA NO: 1 OF 2026

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 may be pleased to vacate the interim orders dt. 28.09.2018 passed in I.A. No. 1 of 2018 in W.P. No. 35328 of 2018 and dismiss the Writ Petition and pass

Counsel for the Petitioner(S):

1. A CHANDRAIH NAIDU

Counsel for the Respondent(S):

1. GP FOR ASSIGNMENT (AP)
2. GP FOR REVENUE (AP)
3. GP FOR FORESTS

The Court made the following Order:

Heard Sri A. Chandraiah Naidu, learned counsel appearing for the petitioners, Ms. K. Vijayeswari, learned Assistant Government Pleader for Revenue and Ms. K. Siva Jyothi, learned Assistant Government Pleader for Forest appearing for the respondents.

2. The challenge in this Writ Petition is against the action of Forest Authorities, respondents 2 to 4, in undertaking trenching work in the petitioners' subject lands without issuing any notice or following due process of law. The petitioners contend that such action is arbitrary, in violation of Article 19(1)(g) of the Constitution of India and the principles of natural justice. The petitioners, therefore, seek a direction to the respondents not to interfere with their possession and enjoyment of the subject private patta lands.

3. Learned counsel for the petitioners would submit that petitioners were granted D.K.T pattas by the Revenue Department in Elakaturu village during the year 1985. Petitioner No. 1 is the legal representative of the daughter-in-law of S. Velayudham, who was the original patta holder, while the remaining six other petitioners are assignees of D.K.T Pattas.

4. While so, the District Forest Officer has been trying to interfere with the peaceful possession and enjoyment of the petitioners over the subject lands by undertaking trenching work cutting into their

lands. Learned counsel would further submit that the petitioners have planted mango trees under the NREGS scheme.

5. It is further submitted that the Forest Authorities, without following due process of law, entered into the assigned lands and commenced digging trenches to a depth of 10 feet from the last week of July 2018. In fact, the Forest Officials had undertaken trenching work in the year 2006 without entering into the assigned lands. However, all of a sudden, in the year 2018, by leaving the old trench and they entered the assigned lands of the petitioners.

6. Learned counsel would further submit that, as per the cadastral village map of Elakaturu, which was published in the Gazette in the year 1962, much prior to the notification of the forest land under Section 15 the Andhra Pradesh Forest Act, 1967, the subject land falls within the revenue property.

7. Learned counsel would also submit that the petitioners were informed by the forest officials that earlier they have done trenching work manually, the subsequent use of GPS technology revealed that a portion of the petitioners' lands falls within the forest boundary.

8. It is further submitted that the possession and enjoyment of the petitioners over the subject land is by virtue of the D.K.T pattas. The Revenue Department has not cancelled their pattas. In the circumstances, the forest authorities are not supposed to trespass the

lands of the petitioners for trenching work merely on the ground that, according to the GPS survey, the subject lands fall within the forest boundary.

9. Learned counsel, therefore, seeks a direction restraining the respondent authorities from entering the subject lands and interfering with the petitioners' peaceful possession and enjoyment therefore. He finally prays for allowing the Writ Petition.

10. *Per contra*, the learned Assistant Government Pleader for Revenue would submit that, as per the revenue records, the pattas claimed by the petitioners are genuine. The petitioners, being the pattadars, are in possession and enjoyment of the subject lands.

11. The learned Assistant Government Pleader for Revenue would further submit that, as per the village records, the cadastral map and resurvey records, old Survey No.79 is a survey block having a total extent of Ac.575.08 cents. Subsequently, new survey fields, namely Survey Nos.311/10B, 311/88, 362/3B, 363/1, 362/2, 362/4, 311/11, 315/1, 217/7, 361/3 and 79, among others, were carved out of old Survey No.79. Thereafter, the lands were assigned in favour of eligible landless poor persons by the Government.

12. The learned Assistant Government Pleader for Revenue would further submit that, during the survey operations conducted in the year 1950, which were published in the Andhra Pradesh Gazette, dated 08.08.1962, the subject lands were identified as falling within Elekaturu

Revenue Village and were not classified as forest lands. Even in the subsequent survey operations, the subject survey numbers were identified and allotted Land Parcel Map (LPM) numbers as per the survey records of Elekaturu Revenue Village.

13. It is further submitted that, even as on date, the subject lands are under the active cultivation of the petitioners, as reflected in the revenue records.

14. The learned Assistant Government Pleader for Revenue would further submit that, Nagari Reserve Forest was notified under Section 15 of Andhra Pradesh Forest Act, 1967 vide G.O.Ms.No. 1932, Food and Agriculture (Forest-III) Department, dated 06.09.1967. The boundaries of Nagari Reserve Forest had already demarcated by trenches at the time of issuance of the notification itself. Therefore, the location of the subject property has to be examined with reference to the said notification and the relevant survey records.

15. The learned Assistant Government Pleader for Revenue would further submit that a Joint Survey was conducted in the presence of the Forest, Revenue and Survey Authorities on 27.08.2026. The said survey, with reference to the boundary stations 83 to 109 mentioned in the Gazette Notification and by using Hand GPS coordinates, revealed an overlap between the notified forest boundary and the Cadastral Village Map. This would indicate that certain portions of the lands claimed by the petitioners fall within the notified boundary.

16. It is further submitted that the petitioners had earlier objected to the trenching work undertaken by the forest authorities in the year 2018 for the purpose of water absorption into Nagari Reserve Forest. The petitioners claimed that they had been granted D.K.T pattas by the Revenue Authorities in Survey Nos. 311, 361, 362, 363, 315, 317 and 79 of Elakaturu village.

17. Learned Assistant Government Pleader for Revenue further submit that, in view of the interim orders passed by a coordinate Bench of this Court on 28.09.2018, a joint inspection was conducted on 17.03.2026. During the said inspection, it was observed that the subject lands are situated adjacent to the village boundary of Elakaturu Village and that there is a considerable distance between the cadastral village boundary and the forest boundary, stated to be not less than five kilometres.

18. It was also observed that the agricultural lands identified within the forest boundary were classified as D.K.T. patta lands in the revenue records of Elakaturu Village. The D.K.T. pattas had been granted to landless poor persons nearly three decades earlier, and the beneficiaries were found to be in active cultivation. Approximately 63 beneficiaries were identified during the joint inspection.

19. The learned Assistant Government Pleader for Revenue would further submit that the Joint Survey Report dated 07.07.2026 was not clear regarding the subject lands falls inside or outside the Nagari

Reserve Forest. The report was finalized by the Revenue Department without obtaining the signatures of the Forest Officials, and the survey Department was also not involved in the said Joint Survey.

20. The learned Assistant Government Pleader for Forest would further submit that, pursuant to the orders of this Court dated 13.08.2026, another joint survey has been conducted on 27.08.2026.

21. The learned Assistant Government Pleader for Forest would further submit that, in W.P.No. 35324 of 2018, filed by Smt. T. Chenchamma and 11 others to an extent of Ac.19.34 cents of land in Survey Nos. 238, 239, 241, 242, 243 of Kacharaveedu Village, a coordinate bench of this Court directed a joint survey, which was accordingly conducted on 21.11.2024. The Joint survey team concluded that the lands claimed by the said petitioners, i.e. Smt. Chenchamma and others, fell within the limits of Nagari Reserve Forest.

22. Coming to the present case, the learned Assistant Government Pleader for Forest would submit that the subject property in the present writ petition is also situated in the same stretch and in close proximity to the lands involved in the said writ petition, at a distance of 300 metres. However, the Joint Survey Team opined that subject land in the present case fall within an overlapping area between the boundary of notified forest boundary of Nagari Reserve Forest and the boundary of Cadastral Village map of Elikaturu village.

23. The learned Assistant Government Pleader for Forest would further submit that the Revenue Authorities have no jurisdiction to issue pattas in respect of lands already declared as forest land. It is also contended that, whenever assignments are proposed in respect of lands adjacent to forest areas, the Revenue authorities ought to obtain a No Objection Certificate from the Forest Department before proceedings with such assignments.

24. The learned Assistant Government Pleader for Forest, therefore, prays for dismissal of the writ petition.

25. Having considered the submissions made by the learned counsel appearing for the respective parties and upon perusal of the material available on record, there is no dispute with regard to the fact that the petitioners are in possession of the subject land is by virtue of D.K.T pattas granted by the Government in the year 1985. Their possession and enjoyment of the subject lands from the date of issuance of such pattas are also not in dispute.

26. Needless to observe that, once a particular land is notified as forest land by way of a Gazette notification, the Government cannot thereafter assign such land without obtaining the requisite permission from the competent authority, in accordance with the applicable law. In particular, after the commencement of the Forest (Conservation) Act, 1980, no State Government or other authority can, without the prior approval of the Central Government under Section 2 of that Act, direct

that any reserved forest shall cease to be reserved or that any forest land may be used for a non-forest purpose, and the expression 'forest land' is to be understood as explained in **T.N. Godavarman Thirumulkpad v. Union of India**[1]. Whether the D.K.T. pattas granted in the year 1985 are valid, therefore, depends on whether the subject lands fall within the notified forest, which is the very question that remains unresolved.

27. The submissions advanced on behalf of both the Revenue and Forest Departments would disclose that the D.K.T. pattas granted either in favour of the petitioners or their predecessors-in-interest are genuine and that the Revenue Department has not cancelled the said pattas. The pattas continue to remain in force as on date.

28. It is an undisputed fact that the survey operations in respect of Elakaturu Revenue Village commenced in the year 1950 and the results thereof were published in the Andhra Pradesh Gazette dated 08.08.1962. The said survey particulars are also reflected in the cadastral village map of Elakaturu.

29. It is also not in dispute that the Nagari reserve Forest was notified under Section 15 of A.P Forest Act, 1967, vide G.O.Ms.No.1932 Food and Agriculture (Forest-III) Department, dated 06.09.1967, covering an extent of Ac.9355.53 cents. The Forest Authorities themselves admit that the boundaries of Nagari Reserve Forest had

[1] (1997) 2 SCC 267

already been demarcated by trenches at the time of issuance of the said notification.

30. The fact remains that the village boundaries of Elakaturu were surveyed and published in the Gazette in the year 1962, much prior to the issuance of the forest notification under Section 15 of the Act in the year 1967. However, a prior cadastral survey of the village does not exclude the lands from a forest notification issued subsequently. Whether the subject lands lie inside the reserved forest has to be answered with reference to the boundaries described in the notification under Section 15 of the Andhra Pradesh Forest Act, 1967, which is a matter for determination by the competent authorities on a proper survey and not by this Court in the exercise of writ jurisdiction.

31. The subject lands are situated adjacent to the notified forest area. Hence it is the version of the forest authorities that as per the GPS survey, the subject lands fall within the notified forest block whereas the Revenue Authorities maintain that the lands were assigned to eligible landless poor persons after demarcation of the village boundaries as per the cadastral village map of Elakaturu village. It is also an undisputed fact that the subject lands are under cultivation and that the petitioners have been in possession and enjoyment thereof for several decades.

32. The record further discloses that, pursuant to the directions issued by a coordinate Bench of this Court at the time of admission of

the writ petition, a joint survey indicated that the subject lands were not falling within the forest block and were situated at some distance from the notified forest boundary.

33. However, the Forest Authorities objected to the said report on the ground that it had been finalised by the Revenue Department without obtaining the signatures of the Forest Department officials.

34. At that juncture this Court has directed the concerned authorities to conduct another joint survey in the presence of the petitioners and the officials of the Revenue, Forest and Survey Department, so as to ascertain the exact location of the subject lands.

35. For better clarification, it would be appropriate to extract the particulars furnished by the Revenue Department in respect of the petition schedule

Sl. No.	Sy No.	Lpm No.	Lpm. Extent in Acres	Pattadar Name	1B Khata No.	Remarks
1	311/10B	796	0.51	Smt. S. Devi W/o Late S. Periswami Reddy	1086	
	311/5B	796	0.51			
	311/8B	796	0.51			
	311/18	799	0.392			
	311/12	796	0.51			
	362/3B	803	2.516			Joint
	362/5B	803	2.516			Joint
	Total		**3.418**			
2	362/2	2476	2.964	C. Munaswamy Reddy S/o Chinnaswamy Reddy	508	
	362/4	803	2.516			Joint
	Total		**5.48**			
3	361/3	802	2.468	K. Gopal Reddy S/o Chinnaswamy Reddy	234	
4	263/1A	1904	1.575	A. Manemma W/o Late Kuppi Reddy	83	Joint
	311/20	804	0.925			
	311/11	804	0.925			
	311/19	804	0.925			
	Total		**2.50**			
5	317/7	921	1.376	M. Mariyammma W/o Venkatesulu	902	
	315/1	921	1.376			
	Total		**2.50**			
6	362/5A	803	2.516	S. Dhanalakshmi W/o Kannivelu	1098	Joint

Sl. No.	Sy No.	Lpm No.	Lpm. Extent in Acres	Pattadar Name	1B Khata No.	Remarks
	311/8A	795	0.671			
	311/10A	800	0.161			
	311/5A	795	0.671			
	362/3A	803	2.516			Joint
	Total		**3.348**			
7	79		4.00	R. Venkatesulu Naidu S/o Late Subramanyam Naidu		

36. The crux of the joint survey report placed before this court is as follows:

i. In compliance with the directions of the Hon'ble High Court of Andhra Pradesh in W.P. No. 35328 of 2018, the joint survey and field inspection of the disputed lands at Elakaturu Revenue Village, Nindra Mandal, Chittoor District, has been duly completed in the presence of the petitioners and the concerned Forest Department officials, with due notice and recorded signatures.

ii. A comprehensive record-based verification was undertaken, covering the Revenue records, the Resurvey Settlement Register, D.K.T. assignment records, Survey and Resurvey records, Land Parcel Maps, the 1967 Gazette notification, the Forest Beat Map, and the Forest boundary points demarcated on the ground using Hand GPS/UTM coordinates. This verification establishes a clear, if contested, factual chain: old Sy.No.79 (Ac. 561.08 cents) is classified as "Forest (Adavi)" in the RSR; new survey fields were subsequently carved out of it and assigned as D.K.T. pattas to eligible landless beneficiaries; the village was thereafter resurveyed under the A.P.

Resurvey Project, with LPMs prepared for all parcels - including the petitioners' - within the old cadastral village boundary as per the prescribed SOP. Simultaneously, the Forest Department demarcated its notified boundary (Stations 83–109) using Hand GPS/UTM coordinates. As a result, certain portions of the petitioners' D.K.T. lands fall within the Forest boundary, notwithstanding the absence of physical cairns on the ground.

iii. The report also records that the disputed trench which was dug prior to resurvey operations, while the LPMs relied upon by the petitioners were generated afterward based on field position/enjoyment at that later date establishing the chronology between the two sets of records without, by itself, resolving the conflict between them. Equally, the physical overlap observed between the Gazette-notified Forest boundary and the Cadastral Village Map indicates that both jurisdictional layers currently claim the same ground, which is the crux of the dispute placed before the Hon'ble Court.

37. It is also an admitted fact that the Forest Authorities have undertaking trenching work in the year 2006 and it is their contention that as per the GPS survey conducted subsequently, the subject lands fall within the forest boundary. Merely on that ground, the Forest Authorities cannot arbitrarily enter the subject lands and proceed with trenching work without following due process of law.

38. There is no merit in the contention of the Forest Department that, Simply because the subject land are situated in the same stretch as the subject lands involved in another writ petition that is W.P.No.35324 of 2018, filed by one Chenchamma and others relating to Kacharaveedu village, the subject lands in the present case should be treated as falling within the forest block.

39. The reason is that the joint survey report itself, while noting that certain portions of the petitioners' D.K.T. lands fall within the boundary demarcated by the Forest Department using Hand GPS coordinates, records that the Gazette-notified forest boundary and the Cadastral Village Map overlap and that both claim the same ground, and that the chronology of the two sets of records does not, by itself, resolve the conflict between them. Thus, even after a joint survey in the presence of the Forest, Revenue and Survey Authorities and the petitioners, there is no conclusive determination as to whether the subject lands fall within the notified forest boundary.

40. Consideration of the above facts and the material available on record would clearly establish that, as on date, both the Revenue and Forest Departments are asserting competing claims over the subject property. That being the case, the forest department and forest officials are not supposed to enter the assigned lands and proceeded with the trenching work without issuing notice to the persons who are in possession and enjoyment of the lands or to the Revenue Authorities

which is arbitrary and in gross violation of principles of natural justice. The petitioners are admittedly in possession of the subject lands under subsisting D.K.T. pattas, and they cannot be deprived of such possession save by authority of law, in view of Article 300-A of the Constitution of India.

41. In that view of the matter, this Court is of the considered opinion that the action of the Forest Authorities in undertaking trenching work in the subject lands, without issuing any notice to the petitioners or following due process of law, cannot be sustained.

42. Accordingly, the Writ Petition is allowed with the following directions and observations:

i. The respondent authorities shall not interfere with the possession and enjoyment of the petitioners over the subject lands, except by following due process of law.

ii. The Forest Department is at liberty to pursue appropriate remedies in coordination with the Revenue Department, in accordance with law.

iii. The Revenue, Forest and Survey Departments shall jointly verify the relevant records and demarcate the boundaries, with reference to the boundary description in G.O.Ms.No.1932, Food and Agriculture (Forest-III) Department, dated 06.09.1967, after notice to the

petitioners, to ascertain whether the subject lands form part of the notified forest area.

iv. If it is found that the subject lands fall within the notified forest area and that the pattas were erroneously granted, the competent authorities are at liberty to initiate appropriate proceedings in accordance with law.

v. Before initiating any such proceedings, the affected persons shall be issued notice and afforded a reasonable opportunity of hearing, strictly adhering to the applicable statutory provisions and principles of natural justice.

vi. The action of the Forest Authorities in undertaking trenching work without resolving the boundary dispute and without issuing notice to the petitioners is arbitrary and high-handed. The authorities ought to have resolved the dispute in coordination with the Revenue Department before resorting to coercive measures.

There shall be no order as to costs. As a sequel, pending IAs, if any, shall stand closed.

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DR. VENKATA JYOTHIRMAI PRATAPA,J

05.11.2026
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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

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