

IN THE HIGH COURT FOR THE STATE OF TELANGANA
FRIDAY, THE EIGHTH DAY OF JULY TWO THOUSAND AND TWENTY TWO
:PRESENT:

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY
WRIT PETITION NO: 28515 OF 2022

Between:

1. Mokalla Raja Ramulu, S/o Mokalla Venkataiah,
2. Vattam Sunil, S/o Vattam Krishnamurthy

Petitioners

AND

1. The state of Telangana, rep by its Prl. Secretary, Environment Forest Science and Technology Department Secretariat Hyderabad.
2. The District Collector cum chairman District level committee Forest Rights, Mahabubabad District
3. The project officer ITDA Etunagaram /Member, secretary District level committee Forest Rights
4. The District Forest Officer, Mahabubabad District
5. Divisional Forest Officer, Mahabubabad District
6. Forest Range Officer, Gangaram Range Mahabubad District.

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 an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 6th Respondent interfering with peaceful possession, threatening to dispossess and erecting plantation by trying to dig a trench, in some extent of the petitioners lands total admeasuring Acr. 8.50cents in compact No. 872 and 868 and Acr. 9.92cents in Compact no. 872, situated at Bawargonda Beat, Gangaram Range, Mahabubabad District, as illegal, arbitrary violative of Article 14, 21, 300-A, Article 244(1) r/w Vth Schedule of the constitution of India and against Section 3 (1)(a) and 4(1) (a) of the Scheduled Tribes and other Traditional Forest dwellers (Recognition) of Forest Rights) Act 2006 and its Rule 16 of 2008 and consequently direct the Respondents not to interfere with peaceful possession and enjoyment of the petitioners in respect of the above said lands and also direct the respondents No.1 to 5 to take disciplinary action against the Respondent No.6 by considering the representation dated 15/06/2022;

IA NO: 1 OF 2022:

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 respondents not to interfere with the peaceful possession and enjoyment of the petitioners land admeasuring Acr. 8.50gts situated at Compact No. 872 and 868, Bawargonda Beat, Koththaguda Range, Mahabubabad District, and Acr. 9.92gts, Compact no. 872, situated at Bawargonda Beat, Gangaram Range, Mahabubabad District, pending disposal of the WP 28515 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI T V RAMESH Advocate for the Petitioners and GP FOR FORESTS for the Respondents, the Court made the following.

ORDER:

Learned Government Pleader for Forests submits that the 1st petitioner was granted permission to cultivate the forest land under ROFR Act in respect of the land to an extent of Ac. 8.50 cents in Compact No. 872 and 868, Beat: Bawargonda, Range: Gangaram (formerly Kothaguda), Mahabubabad District, and similarly the 2nd petitioner was granted permission in respect of the land to an extent of 9.92 cents in Compact No. 872, Beat: Bawargonda, Section Gudipadu, Range: Gangaram (formerly Kothaguda), Mahabubabad District. However, on the strength of such certificates issued by the Forest Department in favour of the petitioners, the petitioners are encroaching into the forest land over and above the land for which permission was granted to them to cultivate the lands.

In the circumstances, there shall be status quo to the extent of the land of the 1st petitioner admeasuring Ac. 8.50 cents in Compact No. 872 and 868, Beat: Bawargonda, Range: Gangaram (formerly Kothaguda), Mahabubabad District, and the land of the 2nd petitioner admeasuring Ac. 9.92 cents in Compact No. 872, Beat: Bawargonda, Section Gudipadu, Range: Gangaram (formerly Kothaguda), Mahabubabad District.

However, learned Government Pleader submits that genuineness of the certificates issued to the petitioners need to be verified.

For further instructions of leaned Government Pleader, post on 29.07.2022 in Motion List.

SD/- P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Prl. Secretary, Environment Forest Science and Technology Department State of Telangana, Secretariat Hyderabad.
2. The District Collector cum chairman District level committee Forest Rights, Mahabubabad District
3. The Project Officer ITDA Etunagaram /Member, secretary District level committee Forest Rights
4. The District Forest Officer, Mahabubabad District
5. The Divisional Forest Officer, Mahabubabad District
6. The Forest Range Officer, Gangaram Range Mahabubad District. (1 to 6 by RPAD)
7. One CC to SRI. T V RAMESH Advocate [OPUC]
8. Two CCs to GP FOR FORESTS, High Court at Hyderabad. [OUT]
9. One spare copy

HIGH COURT

BVRJ

DATED:08/07/2022

POST ON 29-07-2022 IN MOTION LIST

ORDER

WP.No.28515 OF 2022

STATUS QUO

