

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THURSDAY, THE TWELFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

WRIT APPEAL NO: 89 OF 2024

Writ Appeal under clause 15 of the Letters Patent preferred against the Order dated 11-08-2023 passed in W. P. No. 18739 of 2009 on the file of the High Court.

Between:

1. The Chief Conservator of Forests, Saifabad, Hyderabad.
2. The Divisional Forest Officer, (North), O/o. Chief Conservator of Forest, Saifabad, Hyderabad.
3. The Forest Range Officer, The Forest Range Officer, North Zone Forest Department, Ranga Reddy District, Hyderabad.
4. The State of Telangana, Rep by its Principal Secretary to Government, Forests, Telangana Secretariat, Hyderabad;- 500022.
5. The Principal Chief Conservator of Forests, Head of Forest Force (HoFF), Telangana, Aranya Bhavan, Saifabad, Hyderabad - 500 004

Appellant No.4 and 5 are impleaded as per Court Order dated 7.2.2024 Vide IA.No.1 of 2024 in WA No.89 of 2024

...APPELLANTS/RESPONDENTS

AND

1. Sri K.V. Dev Dutt, S/o. Late K.R. Veera Swamy, Government service, R/o. Plot No. 77, H. No. 6-1-338/3/1, Venkatapuram Colony, PadmaRao Nagar, Secunderabad.
....RESPONDENT/WRIT PETITIONER
2. The Government of Andhra Pradesh, After bifurcation The State of Telangana, Rep. by its Principal Secretary to Govt Revenue Department Secretariat, Hyderabad.
3. The District Collector, Ranga Reddy district, at Lakdikapool, Hyderabad.
4. The Tahsildar, Shameerpet Mandal. Ranga Reddy District.
5. The Director, Survey and Settlement, Narayanaguda Hyderabad.
...RESPONDENTS/RESPONDENTS

IA NO: 3 OF 2024

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 suspend the orders dated 11-08-2023, in WP.No. 18739 of 2009, Pending Disposal of the Writ Appeal

**Counsel for the Appellants: SRI ETOORU POORNACHANDER RAO,
GP FOR FORESTS**

**Counsel for Respondent No. 1: SRI S. SATYAM REDDY, SENIOR COUNSEL FOR
Ms. B. RAJESWARI**

The Court made the following: **ORDER**

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.89 of 2024

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Etooru Poornachander Rao, learned Government Pleader for Forest Department for the appellants.

Mr. S.Satyam Reddy, learned Senior Counsel representing Ms. B.Rajeswari, learned counsel for the respondent No.1.

2. With the consent of the learned counsel for the parties, the matter is heard finally.

3. This intra court appeal is filed against the order dated 11.08.2023 by which the writ petition preferred by the respondent No.1, namely W.P.No.18739 of 2009, has been allowed and the appellants herein have been directed not to interfere with the possession and enjoyment of the respondent No.1 in respect of the land measuring Acs.5.00

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situated in Survey No.163/2 of Majeedpur Village, Shamirpet Mandal, Ranga Reddy District.

4. Facts giving rise to filing of this appeal briefly stated are that the respondent No.1 claims to be the owner and in possession of the land measuring Acs.5.00 situated in Survey No.163/2 of Majeedpur Village, Shamirpet Mandal, Ranga Reddy District (hereinafter referred to as, "the subject land"). However, as per the version of the Forest Department, the subject land forms part of the forest. The respondent No.1 filed a writ petition, namely W.P.No.4063 of 2006, wherein a Bench of this Court, by an order dated 31.07.2006, disposed of the said writ petition with a direction to the appellants to complete the inspection and to identify and fix the boundaries.

5. In compliance of the aforesaid direction issued by the learned Single Judge in the said writ petition, a joint inspection was conducted by the Deputy Inspector of Survey and Land Records in respect of the land bearing Survey No.163/2 of Majeedpur Village, Shamirpet Mandal, Ranga Reddy District, on 28.09.2006, 06.10.2006 and

11.10.2006 and the boundaries were fixed. According to the respondent No.1, a finding was recorded that the subject land is an assigned land and is a Government land and does not belong to the Forest Department. However, another joint inspection was carried out on 30.07.2007 by which a finding was recorded that the respondent No.1 is in possession of Acs.3.25 guntas of forest land and is in possession of the Government land only to the extent measuring Ac.1.15 guntas. The respondent No.1 thereupon filed the writ petition seeking the relief as stated supra.

6. The learned Single Judge, by an order dated 11.08.2023, directed the appellants not to interfere with the possession and enjoyment of the respondent No.1 in respect of the subject land. Hence, this appeal.

7. Learned Government Pleader for the appellants submitted that the appellants be granted the liberty to carry out a fresh survey and thereafter to proceed in the matter in accordance with law.

8. The aforesaid submission has not been fairly opposed by the learned Senior Counsel for the respondent No.1.

9. In view of the aforesaid submission and in the facts and circumstances of the case, it is directed that the concerned Assistant Director, Survey & Land Records, shall issue a notice to the Forest Department and the respondent No.1 fixing a date for survey. Thereafter the survey shall be carried out within a period of six months. After the survey is carried out, the appellants shall be at liberty to proceed against the respondent No.1, if so advised, in accordance with law. It is made clear that this Court has not expressed any opinion on the merits of the case.

10. To the aforesaid extent, the order dated 11.08.2023 passed by the learned Single Judge is modified.

11. In the result, the writ appeal is disposed of.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

Sd/- K. SAILESHI
DEPUTY REGISTRAR
SECTION OFFICER

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To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy district, at Lakdikapool, Hyderabad.
3. The Tahsildar, Shameerpet Mandal, Ranga Reddy District.
4. The Director, Survey and Settlement, Narayanaguda Hyderabad.
5. Two CCs to G² For Forests, High Court for the State of Telangana. [OUT]
6. One CC to Smt. B Rajeswari Advocate [OPUC]
7. Two CD Copies

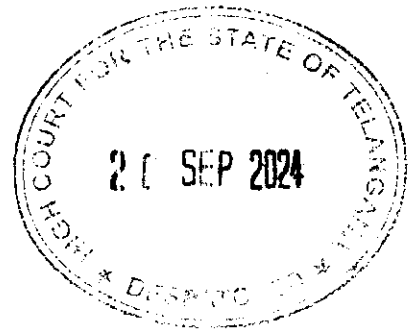
MBC



HIGH COURT

HCJ
&
JSR,J

DATED: 12/09/2024



ORDER

WA.No.89 of 2024

DISPOSING OF WRIT APPEAL

WITHOUT COSTS

(15)

20/09/24
b.k