



IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI

[3311]

(Special Original Jurisdiction)

Thursday, the seventh day of May two thousand and twenty six

Present

The Honourable Ms. Justice B. S. Bhanumathi

Writ Petition No.44646 of 2016

Between:

Nelepalli Subramanyam and others

...Petitioners

and

The State of A.P. and others

...Respondents

Counsel for the petitioners:

1.Parimi Rama Rayudu

Counsel for the respondents:

1.G.P. for Home (A.P.)

2.Ms. Baliboyina Sravani, A.G.P. for Forests (A.P.)

3.G.P. for Revenue (A.P.)

The Court made the following:

ORDER:

This writ petition under Article 226 of the Constitution of India is filed seeking the following relief:

“..to issue writ or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents in disturbing the petitioners from cultivation of the land to an extent of Ac. 100.00 cents in R.S. No. 39/1, 39/2, 41, 42/1, 42/2, 42/3, Vethalathaduku village, Narayanavanam Mandal, Chittoor district without having any right and without following any law and not taking action on the representation of the petitioner, dated 23-8-2016, and other dates for issuing pattas and for preventing the forest officials’ interference as illegal, arbitrary and violation of Articles 14 and 21 of the Constitution of India and consequently direct the respondents not to disturb the petitioners from cultivating the land in R.S. No. 39/1, 39/2, 41, 42/1, 42/2, 42/3, Vethalathaduku village, Narayanavanam Mandal, Chittoor district and to implement the order passed by the then Forest Settlement Officer, Nellore vide reference No. A-54/65 (XI), dated 19.06.1975, by issuing pattas and other title deeds to the petitioners and to pass such other order or orders...”

2. In the order, dated 19.06.1975, passed under Section 10 of the A.P. Forest Act, 1967 (in short, ‘the Act, 1967’) by the Forest Settlement Officer, Nellore (in short, ‘the F.S.O.’), he recorded, briefly as follows:

- a. Narayanavanam block comprising of 49,120 acres in Puttur and Srikalahasti taluks of Chittoor district was notified under Section 4 of the Act, 1967, vide G.O.Ms. No. 1967 (F& A) Department, dated 27.09.1968; A.P. Gazette, dated 17.10.1968; and also in the District Gazette, dated 19.10.1968, and proclaimed under Section 6 of the Act, 1967, in the Chittoor District Gazette, dated 20.03.1969 and in the headquarters of the Taluk offices on 11.03.1969 and 26.07.1969 inviting claims and objections within a period of six months from the date of its publication in the headquarters of the Taluks.
- b. Sri Arlappa Mudali and others filed claim petitions stating that their patta lands bearing S. Nos. 39/1 & 2, 41, 42/1 to 3 in their possession and enjoyment had been wrongly included in the proposed Narayanavanam forest block and that they may be ordered to be eliminated from the block.
- c. The F.S.O., Nellore, inspected the block, along with the Forest Range Officer, Puttur; Tahsildar, Puttur; Village Officers; and the petitioners and conducted enquiry giving proper notices to all the concerned.
- d. Sri K. Jagannadha Pillai, a villager, examined by the F.S.O., stated that the claimed lands were all patta lands and under regular cultivation. There were three wells with all engines, two houses, mango and coconut trees in the claimed lands. The F.S.O. also examined the village accounts No.2 and 10(1) and was satisfied that the claimed lands were all patta lands. Accordingly, the F.S.O. ordered land in Sy. Nos. 39/1 & 2, 41 and 42/1 to 3 be eliminated from the proposed Narayanavanam forest block.

e. Sri S. Adeyya (petitioner No. 2) was also examined. He stated that he had purchased Ac. 5.00 cents of land in Sy. No. 38 of Keelagaram village in 1967 from Sri K. Subraya Mudali and had been regularly cultivating it. In support of his contention, necessary documents, viz., Exs. P1 to P9 were filed. Sri Mannada Mudali, father of Sri K.Subraya Mudali had a patta for his land bearing P.No. 182 marked as Ex. P1. The sale deed was marked as Ex. P2. The land revenue receipts and the notices issued under Section 7 of the Act, 1967, relating to this land were filed as Exs. P3 to P9. The Karanam of the village corroborated the evidence of Sri S. Adeyya in all material particulars and stated that Sri S. Adeyya was a landless poor ryot, having no other land in the village, except the claimed land of Ac. 5.00 cents. Thus, the F.S.O. found that the claim of S. Adeyya was *bona fide* and ordered that his land of Ac.5.00 cents be eliminated from the block.

f. The harijans of Vathalathaduku occupied about 100 acres of land, now included in the block, and made it fit for cultivation and they were cultivating a portion of the area. The Tahsildar, Puttur, in his proceeding vide Roc. No. A6-3762/73/29-6-74 recommended exclusion of the claimed area so that the harijans might be rehabilitated through a co-operative farming society. On inspection, the F.S.O. found that the claimed lands are plain without any forest growth and fit for cultivation. Accordingly, the F.S.O. ordered elimination of land of Ac.100.00 cents from the forest block and directed the District Forest Officer, Chittoor East, to implement the order and furnish revised sketch and field book.

3. This writ petition was filed stating that the petitioners are landless poor persons belonging to scheduled caste and eking their livelihood by cultivating above said land of Ac.100.00 cents and further that there are about 85 families cultivating that land and dependent on the agricultural

activities only. They further stated that though they have been continuing possession of this land basing on the order of the F.S.O., the respondent authorities are interfering with the possession of the land by the petitioners and their cultivation despite several representations given by the petitioners to the respondents on various dates, viz., 22.07.2016, 17.09.2016, 23.08.2016 and even prior thereto, requesting to grant pattas in favour of the petitioners, because the authorities granted pattas to some other individuals and their land was eliminated from the forest block on the ground that those lands were purchased by them and pattadar pass books and title deeds were also issued in their favour.

4. The respondent No. 3 / District Forest Officer, Tirupati, filed a counter with the averments, briefly stated, as follows:

a. Narayanavanam Reserve Forest block was notified under Section 4 of the A.P. Forest Act, 1967 vide G.O.Ms.No.1967, Food and Agriculture (Forest III) Department, dated 27.09.1968 which consists of 49,120 acres. Pursuant thereto, (1) Sri A. Arappa Mudali and others of Keelagaram village, Puttur taluk; (2) Samineni Adeyya, A.G.Naidu kandriga, Puttur Taluk; and (3) Athuru Guravaiah and other harijans of Vethalathaduku, Puttur Taluk submitted claims before the F.S.O., and requested elimination of the land from the block and after examining the claims, the F.S.O. ordered elimination of the following lands from the Reserve Forest block vide reference No. A-54/65(XI), dated 19.06.1975:

Claim No.1:- Sri Arappa Mudali and Others: The Forest Settlement Officer, Nellore has examined the village accounts No. 2 and 10(1) and satisfied that the claimed

lands are all old patta lands and ordered for elimination of Ac. 30.00 cents in Sy. Nos. 39/1 & 2, 41, 42/1 to 3 from Narayanavanam forest block.

Clam No.2:- Sri Samineni Adeyya, A.G.Naidu kandriga, Puttur Taluk: The Forest Settlement officer, Nellore, has examined the claim with reference to the purchase documents and effective enjoyment of Sri Samineni Adeyya and ordered for elimination of Ac. 5.00 cents of land from the block.

Claim No.3:- Athuru Guravaiah and other claimants of Vethalathaduku (v):- The claimants of Vethalathaduku have occupied 100 acres of land now included in the block and made it for cultivation and also cultivating a portion of the area and ordered for elimination of 100 acres from the block.

b. The claims Nos.1 & 2 awarded for elimination are portions of patta lands in Sy. Nos. 39, 41 and 42 which were erroneously included in the forest boundary. Whereas, claim No.3 is a portion of Reserved Forest even according to the revenue village map. Therefore, the award passed by the F.S.O. in 1975 in respect of claimant No. 3 cannot be implemented for the following reasons:

(i) The F.S.O. passed an award in favour of Sri Athuru Guravaiah and other claimants of Vethalathaduku village for 100 acres which was said to be under occupation of the villagers of Vethalathaduku. Thus, there were no valid documents with the claimants as on the date of passing of the award. The land was not really under the cultivation as on the date of passing of the award.

(ii) Even, the revenue authorities have also not granted pattas implementing the award passed by the F.S.O. so far.

(iii) On verification on the field, as on the date of passing of the award, the said area was still under the control of the Forest Department. The petitioners tried to clear the jungle and grab the forest land under the guise of the award passed by the F.S.O.

(iv) Further, as per the clarification issued in Govt. Memo No. 14957/For-1/88-2, EFS&T Dept., any award passed by the F.S.O. which was not implemented till the date of enforcement of the Forest (Conservation) Act, 1980, attracts the provisions of the Forest (Conservation) Act, 1980, and a prior permission from the Government of India is required for implementation of the award. Therefore, the award passed by the F.S.O. could not be implemented.

(v) The award passed by the F.S.O. is not specific and the grounds of award were also not particular;

(vi) It seems the revenue officials have not identified the claimants by forming a co-operative joint farming society as directed in the award;

(vii) There were no traces of cultivation by the petitioners, but the award was passed on the ground that some of the villagers were cultivating which may not be true;

c. The claimed land was under the control of Forest Department. Some plantations were raised in the previous years. There is a good growth of forest flora and habitat of wildlife fauna in the area. The other claims Nos. 1 & 2 could be implemented and have relevant documents with clear extent of land, but in case of claim No. 3, there are no

documents or pattas or extent of area or field sketch or claimants' details and hence, the award is not specific.

d. Meanwhile, the villagers of Vethalathaduku, Narayanavanam mandal are frequently trying to encroach the forest land by forcibly entering into it as a mob and clearing the forest growth by causing damage to the forest which was notified and in violation of Section 2 of the Forest (Conservation) Act, 1980 and threatening the forest officers who are discharging their legitimate duty to protect the forest lands.

e. Thus, it is prayed to dismiss the writ petition.

5. The petitioners filed a reply affidavit to the counter affidavit, with the averments, briefly stated, as follows:

a. As per Section 13 of the Act, 1967, if the government is aggrieved by any order passed by the F.S.O., the remedy is to file an appeal within sixty (60) days before the concerned District Court. The correspondence between the then Divisional Forest Officer, Chittoor East to the respondent No.4 indicates that the respondent No. 3 filed an appeal vide A.S. No. 148 of 1975 before the Court of Additional District Judge, Chittoor, against the order of the respondent No. 2. The said appeal was dismissed for default vide judgment, dated 18.02.1985. As such, the order of the respondent No. 2 attained finality. Almost, fifty (50) years elapsed since the order, dated 19.06.1975. The respondents herein have never agitated the matter till filing of this writ petition. Now, they cannot be allowed to take shelter for non-implementation of the order, dated 19.06.1975, by them. The grounds raised by the respondents are unsustainable. By the date of passing of the order, dated 19.06.1975, the subject land cannot be claimed as a forest as the Act, 1967 clearly stipulates that only after settling all the claims,

notification under Section 15 of the Act, 1967, can be published notifying the proposed land as reserve forest.

b. The petitioners have been continuously cultivating the land from the time of their forefathers. The respondent No. 3 cannot challenge the findings in the order, dated 19.06.1975, of the respondent No. 2 in this writ petition having exhausted the remedy of appeal under Section 13 of the Act, 1967. The petitioners are not encroachers and are not forcibly entering the forest. Thus, it is prayed to allow the writ petition.

6. The learned Assistant Government Pleader for Forests placed on record copies of the written instructions, vide Rc.No.3793/2004/D, dated 08.10.2025 and Rc. No. 80/2025/PTR, dated 26.11.2025, and submitted as follows:

Though the petitioners claim in respect of the land in the specific survey numbers, no such survey numbers were assigned to the subject forest block notified under Section 4 of the Act, 1967. Two (2) forest offence cases were booked during the year 2016-17 (DOR No.86/2016-17/PTR) & 2017-18 (DOR No.87/2017-18/PTR) against the persons who organized mob to take control over the forest area and that the petitioner No. 1 is one of the accused in both the cases. On 04.11.2025 at 8 a.m., it was observed by the Beat Officer, Palamangalam Beat of Puttur Range that some villagers were trying to plough the forest land with a tractor. Then, she immediately instructed them to stop the activity and enquired about their identity. It was found that the persons involved were the writ petitioners. The villagers of Vethalathaduku, who are the writ petitioners, stated that they had come there to cultivate the land as per the legal advice to cultivate the land and get the proof by taking photograph, or else the land will not be assigned to them. The

forest officials stopped the petitioners and other villagers and send them back informing them that it is a reserve forest land. The photographs taken at the time when the villagers were trying to cultivate the land are enclosed to the written instructions.

7. The learned counsel for the petitioners vehemently contended that in spite of the order of the F.S.O. which remained unchallenged, the petitioners had been illegally prevented from cultivating the land.

8. On the other hand, the learned Assistant Government Pleader for Forests vehemently contended that the petitioners could not show that they are in actual possession and that they have been cultivating the same and they have not been given any patta recognizing their right and possession and therefore, the petitioners cannot seek the relief. She further submitted that the petitioners have never got the order of the F.S.O. implemented so far since 1975 and it is only an attempt now to encroach the land by filing this writ petition.

9. As can be seen from the record, the order of the F.S.O. has remained unchallenged since 1975 till now as the appeal filed was dismissed for default. It is a policy decision to be taken by the government whether to grant patta or not. Till any such patta is granted, no one can claim any title over any portion of the land. It is an admitted fact that the part of the direction in the order of the F.S.O. to eliminate the entire extent of Ac.100.00 cents of land has not been implemented. Of course, the respondents admitted the claims Nos. 1 and 2 were implemented for the reasons stated in the counter noted above. Therefore, merely because the award has become final and could be implemented for those reasons cannot be a ground for the petitioners to support their claim as the conditions under which claims Nos. 1 & 2

could be implemented are different. Though the petitioners claim that they have been in possession of the portion of land, there is no record as to the actual extent of the land in possession of each one of the petitioners, much less about the length of the period of possession. It is not just the petitioners, but it is also stated that some other persons are also in possession of the said land. But, no relief is claimed by any other persons. However, the petitioners claim on their behalf also, even without naming them. Merely basing on the order of the F.S.O. which has not so far been implemented, the petitioners, without any other record in their favour showing their continuous possession over any particular bit of land, cannot seek the relief in the petition as a whole to an extent of Ac.100.00 cents. If at all, they have any individual interest in the land and have a right under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, it is a different cause of action. Though the respondents contended that a prior permission is required to implement the order of F.S.O. passed under Section 10 of the Act, 1967, in view of Section 2 of the Forest (Conservation) Act, 1980, it cannot be accepted since adjudication of the claim for land to be eliminated on the grounds mentioned in Section 10 of the Act, 1967, is different from the application of the provisions of the Forest (Conservation) Act, 1980. Any memo issued by the Central Government for strict implementation of the Forest (Conservation) Act, 1980, has no bearing for implementation of the award passed under Section 10 of the Act, 1967, as both operate in different areas. As such, this Court does not see any merit in the claim of the petitioners.

10. In the result, the Writ Petition is dismissed.

There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

B.S. BHANUMATHI, J

Dt. 07.05.2026
RAR