

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
TUESDAY, THE NINTH DAY OF JULY TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR
WRIT PETITION NO: 43314 OF 2022

Between:

1. Kavlas Vijay Kumar, S/o Late K Nagashettappa
2. Kavlas Chandra Shekar, S/o Shankarappa
3. Kavlas Shiva Chander, S/o Basawaraj

Petitioners

AND

1. The State of Telangana, Rep by its Principal Secretary, Forest Department, Secretariat Bldgs, Saifabad, Hyderabad
2. The District Forest Collector, Sangareddy District
3. The Forest Range Officer, Zaheerabad, Sangareddy District.
4. The Revenue Divisional Officer, Zaheerabad, Sangareddy District.
5. The Tahsildar, Zaheerabad Mandal, Sangareddy 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 a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 2 to 5 in treating our patta lands and forest lands and trying to dispossess the petitioners from our agricultural lands in Sy.Nos. 20/AA,20/E and 20/EE admeasuring Ac 8-11 gts, Ac 8-11 gts. and Ac 8-12 gts respectively totally admeasuring Ac. 24-34 gts situated at Thumkuntha village Zaheerabad Mandal, Sangareddy District without any notice and without following due process of law as illegal, arbitrary and violative of Articles 14,19,21 and 300A of Constitution of India and principles of natural justice and consequently direct the respondents to treat the land of the Petitioners as their patta land;

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 2 to 5 not to interfere with the peaceful possession of the Petitioners family from the land in Sy.Nos. 20/AA,20/E and 20/EE admeasuring Ac 8-11 gts, Ac 8-11 gts. and Ac 8-12 gts respectively totally admeasuring Ac. 24-34 gts situated at Thumkuntha village Zaheerabad Mandal, Sangareddy District, pending disposal of WP 43314 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 KIRAN PALAKURTHI Advocate for the Petitioners and GP FOR FORESTS for the

Respondents 1 to 3 and GP for Revenue for the Respondents 4 & 5, the Court made the following.

ORDER:

This writ petition is filed to declare the action of respondent Nos.2 to 5 in treating the patta lands of the petitioners and trying to dispossess the petitioners from their lands as illegal and arbitrary and direct the respondents to treat the land of the petitioner as their patta land.

The main grievance of the petitioner is that when they are in continuous possession of the agriculture lands in Sy.nos.20/AA, 20/E and 20/EE admeasuring Ac.24-34 gts totally at Thumkunta Village, Zaheerabad Mandal, Sanga Reddy District and the respondents *vide* Gazette notification dated 01.07.1965 decided to include the lands in Thumkunta Village in the reserve forest and accordingly cash compensation was given.

Learned counsel for the petitioner would submit that the said gazette notification is only a decision but however, subsequent to that there were no details regarding the cash compensation which was given to the paternal uncle of the petitioner *viz.*, Shivalingappa. It is further submitted that names of the petitioners are contained in the pahani passbooks till the year 2016.

Learned Government Pleader for Forest appearing on behalf of respondent Nos.2 and 3 submits that compensation has already been paid to the petitioners and seeks time to file proof of the same.

A counter affidavit has been filed by respondent No.5 i.e., the Tahsildar, Zaheerabad District stating that as per RoR pahani, the subject lands are recorded as Patta and 'Jangalath' and as per Pahani 1990-91, the land admeasuring Ac.33-05 gts., is recorded as patta in the names of Shivalingappa and also the name of Vijay Kumar who is the first petitioner herein.

Learned counsel for the petitioner submits that petitioners are only confining their claim only to an extent of Ac.24-34 gts., and the remaining Ac.8-11 gts., has already been handed over to the Forest Department way back in the year 1965.

The *lis* in the present writ petition pertains to possession of the subject property. However, the details of compensation paid to the petitioners is yet to be filed.

Learned Government Pleader for Forests submits that plantations are already been made on the subject lands.

Per contra, learned counsel for the petitioner submits that the subject lands are already in cultivation.

In view of the same, *status quo* as on date shall be maintained by all the parties in all respects on the subject property for a period of three (3) weeks.

Post the matter on 30.07.2024 'for further hearing.'

SD/- P.NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Forest Department, State of Telangana
Secretariat Bldgs, Saifabad, Hyderabad
2. The District Forest Collector, Sangareddy District
3. The Forest Range Officer, Zaheerabad, Sangareddy District.
4. The Revenue Divisional Officer, Zaheerabad, Sangareddy District.
5. The Tahsildar, Zaheerabad Mandal, Sangareddy District (1 to 5 by RPAD)
6. One CC to SRI. KIRAN PALAKURTHI Advocate [OPUC]
7. Two CCs to GP FOR FORESTS, High Court at Hyderabad. [OUT]
8. Two CCs to GP FOR REVENUE, High Court at Hyderabad. [OUT]
9. One spare copy

HIGH COURT

NVSKJ

DATED:09/07/2024

LIST ON 30-07-2024

ORDER



WP.No.43314 of 2022

STATUS QUO