

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH : AT :  
HYDERABAD

W.P. No. / 99

BETWEEN:

SAKTI, an non-profit Voluntary  
Social Organisation (Regd No.76/85)  
Rampachodavaram, East Godavari Dist  
Represented by its Director  
Dr. P. Sivaramakrishna  
S/o. Venkata Narasaiah  
Aged about 47 years  
R/o. Kukatpally, Hyderabad ... Petitioner

AND

The Government of Andhra Pradesh,  
Represented by its Prl. Secretary,  
Social Welfare Department,  
Secretariat, Hyderabad.

And others ... Respondents.

AFFIDAVIT OF THE PETITIONER HEREIN

I, Dr. P.Sivarama Krishna son of Venkata Narasaiah 47 years, SAKTI, presently residing at Hyderabad do hereby solemnly affirm and state as follows.

1. I am the Director of the Petitioner-SAKTI Organisation and as such I am well acquainted with the facts of the case. I am authorised to file this affidavit as PUBLIC INTEREST W.P. representing the interests of Tribal people living in Khammam District in particular. This is filed for public good involving large number of poor people.
2. I respectfully submit that SAKTI is a non-profit Voluntary Social Organisation have its Head-Quarters at Rampachodavaram East Godavari District. The said organisation was registered under the Societies Registration Act, 1860 on 25.2.1985 with Registration No.76/85. The main objectives of the said organisation is upliftment of tribals, Ecological balance, protection of environment, prevention of illegal land transfers etc. The said organisation is being financially supported by International and National Organisations like OXFAM, SPWD, Water Aid etc. The petitioner organisation has been engaged by various Integrated Tribal Welfare Association (ITDA) in various Scheduled areas of the State for conducting studies, developing and implementing Socio-economic, educational packages. The locustandi of the petitioner organisation to main W.P. in the interest of Tribals and for the protection Ecological reported vide 1992 (2) ALT 514. In fact the State Govt. has invited me for framing the guidelines to solve the land problem in scheduled areas. The State Government has appointed me as one of the expert members to conduct, vide G.O.Ms.No.1 dated 10.1.1997 in pursuance of the direction of the Supreme Court to identify forests and related problems. I am one of the Drafting Committee Members for the Jt. Forest Management Scheme.
3. I respectfully submit that after my Ph.D. in Tribal literature, I have been studying the displacement of tribal people from their lands in schedule areas for the last one and half decades. The Tribal people living in the schedule area have got certain constitutional protections. The Government has been enacting various acts and regulations since 1997 to stop the land alienation's. Khammam District of A.P. comprises of areas in erstwhile Andhra & Telangana States. The schedule area of Khammam Dist is governed by various enactment's including land transfer regulations (LTR) from 1959 onwards. The petitioner organisation has undertaken the study of the tribal lands in Khammam District since 1994. From April, 1995 onwards we have approached the governmental agencies and records the details of land actually enjoyed by the tribals and non-tribals. In fact I.T.D.A. Bhadrachalam

was also undertaking such a task of identifying the land ownership among the tribals and in that process the petitioner-organisation assisted the ITDA and made and made a comprehensive study.

4. I submit that it came to my notice that an I.A.S. Officer was appointed as Special Officer to survey the tribal lands and assignments to tribals, and he submitted a tour report is filed herewith. The report states how the law was not implemented. Subsequent to this report, the Commissioner of Tribal Welfare issued proceedings on 26.1.1994. The Commissioner Tribal Welfare, in fact, issued guidelines to update the land records, in the schedule areas. Subsequently, the tribals were given pattas in 1994 but the assigned land has not been demarcated and the tribals have not been put into possession. The cases referred in 1990 report regarding non-tribal occupants inspite of eviction orders has not seen light of the day.
5. I submit that some tribals noted down the Pahani details of Kothu Ramdasapuram village of Dammamet Mandal in 300 Numbers, in May, 1997. When Mrs. Sarada Devi, Coordinator SAKTI went to the Mandal to inform the Tribals about L.T.R. and entries of some records, she was detained by the Aswaraopet Police in 10/97. She later met the Dist Collector and impressed upon him to take up surveys urgently. It came o their notice that names of non-tribals who are cultivating the lands are not recorded in the records. Most of these government lands which were supposed to have been assigned to tribals are in occupation of the non-tribals. Many complaints were lodged with the Govt. The District Revenue authorities came forward to conduct survey in the 2<sup>nd</sup> week of December, 1997. The Tribals wanted to train the people to assist them during survey operations. In fact a retired M.R.O. Revenue Divisional Officer, Joint Collector were enjoyed by the Petitioner-organisation to assist and train the tribals to participate in the survey operations. I addressed a letter on 24.7.1998 to the Dist Collector and Agent to the Government in this regard.
6. The Commissioner, Tribal Welfare visited the villages in the 4<sup>th</sup> week of September, 1998 directed the Project Officer ITDA to issue some records. The petitioner organisation requested P.Balakrishna a retired M.R.O. to assist the tribal in deciphering the entries of revenue records. The superintendent Khammam District ordered that he be brought to Khamma. This retired Revenue Officer was abused. He was beaten at the Police Stn. Hd.Quarters. Khammam and his eye was damaged and there were injuries on his faci including one eye.
7. I respectfully submit that the lands which are assigned to tribals have not been handed over to the tribals for the last four years and when the tribals insisted in keep in them in possession, the revenue authorities are taking a stand that the land is not available on field. The tribals are entitle to know the various circulars, measures taken by the revenue authorities and the relevant entries in the village land records. The Collector and the other authorities have been declaring that they will be conducting survey in the lines of West Godavari District. In fact a meeting was held on 12.2.1999 in which some political parties have been invited. The Mandal Level Committees with in the representatives of Tribal communities and voluntary agencies have not been formed till this day. The Dist. Level Committee consists of Political parties. Those leaders have got no time in view of the latest political situation. The political party representatives could not pursue the matter subsequent to the meeting held in February 1999. The Tribals have become restive due to entry of police along with revenue authorities. In fact the police have taken a stand that no tribal will be allowed to harvest even in their patta land in which they have been in possession. Survey teams have not come to the villages to verify the filed level enjoyment and cross check it with the Government records. The tribal communities have not been informed in advance about these alleged activities of the revenue officers and when the educated tribals were requesting the officers to permit them to have a look at the revenue records, the teams have been leaving the villages after usual police treatment is meted out to the tribals.
8. I respectfully submit that subsequent to the tribals agitation in West Godavari District, I was called to Hyderabad and after consulting me, guidelines were issued by the State Government and Commissioner of Tribal Welfare for a comprehensive survey and verification, cross checking the land records in Wet Godavari Dist. These guidelines were submitted to this Honourable Court by the Govt. in Contempt Case No.1381/97. In this judgment all these guidelines were incorporated. This inspired the tribals of Khammam District. I respectfully

submit that the tribals of Aswaraopet and Dammamet Mandals have been insisting that the Mandal Revenue Officers must put them in possession of land as per the pattas.

9. I respectfully submit that the State Government and the Agent to Government are in an obligation to train the tribals to participate in the survey operations. Such survey with active participation of tribals help in resolving the land disputes which are acknowledged by the Commissioner, Tribal Welfare in January, 1994. These surveys are taking place at snails pace in West Godavari District and the same tribal people who have accused by the Government, political and assisting the authorities in realising the dispute as per law and as per High Court Judgment.
10. I respectfully submit that unless this Honourable Court take cognizance of the situation in Khammam District where all the land transfer-regulations have been violated with impurity the anarchic political elements will create law & order problem. This Honourable Court may be pleased to direct a comprehensive survey like one taken in W.G. Dist subsequent tot his Honourable Court's orders in Contempt Case No.1381/97 (1998 (2) ALD P.35). In fact in 1994 the Commissioner, Tribal Welfare instructed to take such survey but did not materialise as the lower level revenue officers were reluctant to let the tribals have a look at the records.
11. In the above facts and circumstances, I have no other officious alternative remedy except to invoke the extraordinary jurisdiction of this Honourable Court under Article 226 of the Constitution of India.
12. I further submit that I have not filed any Writ Petition, suit or initiated other proceeding in respect of the subject matter of the present Writ Petition.
13. In these circumstances, I pray that this Hon'ble Court may be pleased to issue a Writ or order direction, particularly one in the nature of writ of Mandamus declaring the action of the respondents in not implementing the L.T.R. regulations in the schedule areas at Khammam Dist Particularly, Aswaraopet & Dammamet and consequently direct the authorities to initiate survey and verification of the lands / as taken up by W.G. Dist administration with necessary modifications as per laws applicable to the schedule areas of Khammam District and pass such other or further orders as are deemed fit in the circumstances of the case.
14. Pending the disposal of the W.P. it is prayed that this Hon'ble Court may be pleased to direct the respondents to put the tribals into possession of lands assigned to them as per the details in Annexure-I within 3 weeks and pass such other or further orders in the interest of Justice.

Solemnly and sincerely  
affirmed on this the 11<sup>th</sup>  
day of April, 1999 and  
signed his name in my presence.

ADVOCATE

DEPONENT.

MEMORANDUM OF WRIT PETITION

(Under Article 226 of the Constitution of India).

SPECIAL ORIGINAL JURISDICTION.

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH : AT : HYDERABAD

W.P. NO. /99

BETWEEN:

SAKTI, a non-profit voluntary  
Social Organisation (Reg.No.76/85),  
Rampachodavaram, E.G.Dist.  
Represented by its Director  
Dr. P.Sivarama Krishna,  
S/o. Venkata Narasaiah, 47 years,  
now r/o. Kukatpally, Hyderabad

...

Petitioner.

AND

1. The Government of Andhra Pradesh,  
Represented by its Prl. Secretary, Social  
Welfare Department, Secretariat,  
Hyderabad.
2. The Commissioner, Tribal Welfare,  
Samkshema Bhavan,  
Masab Tank, Hyderabad.
3. The District Collector &  
Agent to the Government,  
Khammam Dist. Khammam.
4. The Mandal Revenue Officer,  
Aswaraopet Mandal, Aswaraopet,  
Khammam Dist.
5. The M.R.O. Dammamet,  
Khammam Dist.

...

Respondents.

The address of the petitioner for service of all notices and processes on him is that of his Counsel Mr. K.S.Murthy, Advocate, No.45, Amba Gardens, Mehdipatnam, Hyderabad-500 028.

For the reasons stated in the accompanying affidavit, the petitioner prays that this Honourable Court may be pleased to issue a writ or order direction, more particularly one in the nature of Writ of Mandamus or any other appropriate Writ declaring the action of the respondent in not implementing the Land Transfer Regulations (L.T.R) in the schedule areas at Khammam District and consequently direct the authorities to initiate survey and verification of the lands taken up the West Godavari Administration with necessary modifications as per the laws applicable to schedule areas of Khammam Dist and pass such order or further orders as are deemed fit in the circumstances of the case.

Hyderabad,  
11.04.1999.

COUNSEL FOR PETITIONER.

KHAMMAM DISTRICT

HIGH COURT : HYDERABAD

W.P.No. /99

MEMORANDUM OF WRIT PETITION.

MR. K.S.MURTHY,  
COUNSEL FOR PETITIONER.

IN THE HIGH COURT OF JUDICATURE : ANDHRA PRADESH AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

MONDAY THE TWENTY FOURTH DAY OF JANUARY  
TWO THOUSAND

: PRESENT :

THE HONOURABLE MR. JUSTICE : P. VENKATARAMA REDDI  
AND  
THE HONOURABLE MR. JUSTICE : D.S.R. VARMA.

WRIT PETITION No. 7983 of 1999.

BETWEEN:

SAKTI, a non-profit voluntary  
Social Organisation  
represented by its Director,  
Rampachodavaram, E.G.District

...

Petitioner.

AND

1. The Government of Andhra Pradesh  
represented by its Prl. Secretary, Social Welfare  
Department, Secretariat, Hyderabad.
2. The Commissioner, Tribal Welfare, Samkshema Bhavan,  
Masab Tank, Hyderabad.
3. The District Collector & Agent to the  
Government, Khammam District, Khammam.
4. The Mandal Revenue Officer, Aswaraopet Mandal,  
Aswaraopet, Khammam District.
5. The M.R.O. Dammamet, Khammam District.

...

Respondents.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order direction, more particularly one in the nature of Writ of MANDAMUS or any other appropriate Writ declaring the action of the respondent in not implementing the Land Transfer Regulations (L.T.R) in the schedule areas at Khammam District particularly Aswaraopet & Dammamet of Khammam District and consequently direct the authorities to initiate survey and verification of the lands taken up by the West Godavari Administration with necessary modifications as per the laws applicable to schedule areas of Khammam District.

For the Petitioner; Mr. K.S.Murthy, Advocate.

For the Respondents; The Govt. pleader for Social Welfare.

The court made the following ORDER:-

THE HON'BLE SRI JUSTICE P.VENKATARAMA REDDI

AND

THE HON'BLE SRI JUSTICE D.S.R. VARMA

W.P.No. 7983 of 1999

ORDER: (Per PVR, J)

This is a Writ petition filed in public interest seeking effective implementation of Land Transfer Regulation in the Scheduled Areas of Khammam District, particularly Aswaraopet and Dammamet Mandals by initiating and verification of lands.

Respondents 3 and 5 i.e. District Collector, Khammam and the Mandal Revenue Officer, Dammapeta, have filed counters. It is seen therefrom that the District administration has launched a special survey in the said Mandals and the Government has assigned considerable extent of land to the tribal residents. Moreover, steps are also being taken to evict the non-tribals as per law wherever instances of unauthorised occupation have come to the notice of the officials concerned. It is also stated that the assignees were put in physical possession after special survey. In view of the various steps that are taken, we do not think that any further directions are called for in this writ petition. Suffice it to observe that effective monitoring should go on so as to ensure the implementation of Land Transfer Regulations and special attention should continue to be given for redressing individual grievances. Learned counsel for the petitioner has stated that there are certain instances where the tribals are not put in possession of the lands assigned to them and it is further stated that effective steps have not been taken in some cases for evicting instances are given in the reply affidavit filed just now. The particulars given in the reply affidavit may be verified by the concerned Revenue authorities and if any remedial action has to be taken, the same shall be taken in accordance with law.

With regard to the allegation that retired Mandal Revenue Officer who is associated with the Petitioner Association, is not being allowed to go to the villages concerned for getting on the spot information, we are not inclined to go into this question as it is a different issue and would enlarge the scope of this writ petition. Moreover, specific particulars are not forthcoming in this regard. If the movement of any person is restricted otherwise than in accordance with law, the person concerned is not remediless.

The Writ Petition is closed with the above observations.

Sd/- K.N.Raju,  
Asst. Registrar.

// True Copy //

SECTION OFFICER.

To

1. The Prl. Secretary, Social Welfare Dept., Govt. of A.P., Secretariat, Hyderabad.
2. The Commissioner, Tribal Welfare, Samkshema Bhavan, Masab Tank, Hyderabad.
3. The District Collector and Agent to the Govt. Khammam District, Khammam.
4. The Mandal Revenue Officer, Aswaraopet Mandal, Aswaraopet, Khammam District.
5. The Mandal Revenue Officer, Dammamet, Khammam District.
6. Two CC's to the Govt. pleader for Social Welfare, High Court of A.P., Hyderabad.(O.U.T).
7. Two C.D. copies.
8. 1 CC to Mr. K.S.Murthy, Advocate (O.P.U.C.).

TY. \* MKH. C.BY:

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH : AT :  
HYDERABAD.

W.P. No. 7983 of 1999.

BETWEEN:

SAKTI, a non-profit voluntary  
Social Organisation  
represented by its Director,  
Rampachodavaram, E.G.District

...

Petitioner.

AND

The Government of Andhra Pradesh,  
represented by its Principal  
Secretary, Social Welfare Dept.  
A.P., Hyderabad and others

...

Respondents.

THIRD PARTY AFFIDAVIT

I, P. Balakrishna son of Varadarajan aged about 63 years, resident of Rampachodavaram, East Godavari District now having temporarily come down to Hyderabad do hereby solemnly and sincerely affirm and state as follows:

01. I am well acquainted with the facts of the case and I am filing this affidavit to assist the Court to bring the facts to the notice of Honourable Court.
02. I humbly submit that I am a retired Mandal Revenue Officer and as such I am well versed with the survey operations. I worked as Dy. Tahsildar, Tribal Welfare, in Paderu Agency area of Visakhapatnam District. I was the Mandal Revenue Officer for over eight years. I had evinced keen interest in the welfare of Tribals and when the Director of the Petitioner-Organisation Dr.P.Sivarama Krishna requested me to assist the voluntary organisation and the tribals to see that the provisions of various land transfer regulations are implemented through the Government Machinery as enunciated by various enactment's. I gladly agreed. I visited the Khammam District areas in 1998 along with a Retired Revenue Divisional Officer Sri. C.Seetharamaiah one other dedicated tribal youth.
03. I respectfully submit that I had occasion to visit some of the interior villages along with P.Sharada Devi of the Petitioner-Organisation. Police Station personnel or Aswaraopet Police Station detained us for several hours and said that we should not enter the villages and interact with the tribals. The Sub-Inspector of Police, in fact, said that by informing the innocent tribals about the land regulations, we will be creating problem in the peaceful area. As law abiding citizens, we returned back. This was reported in News Papers (Hindu, dated: 28.10.1998). However, after seeking audience with the District Collector, with great difficulty, I tried to collect some information regarding the possession of the lands by the tribals. While trying to collect the information I approached the Offices of the Mandal Revenue Officers and at this Juncture I was whisked away to the office of the Superintendent of Police, Khammam. The Superintendent of Police, Khammam was angry as we are collecting the data. He asked me not to publish any of the material collected by me. I furnished that information along with my observations to the Petitioner-Organisation.
04. I respectfully submit after the Writ Petition was filed and counters served upon some of the volunteers of Petitioner-Organisation tried to variety the averments made by the authorities and statements in statistical tables served upon the counsel for the petitioner-organisation and also the counter affidavits. I respectfully submit that neither myself nor other volunteers of the petitioner-organisation we permitted to go to interior villages to cross check the averment a made by the respondent-authorities before the Honourable Court in the Present Writ Petition. We had to visit some of the weekly shandies and talk to the tribals who came there, from those villages and certain veracity of the stand of the authorities. As we were

handicapped by the action of the authorities for not permitting us to enter the villages, I am able to furnish the little information which has been supplied by the tribals who have gathered at the weekly-shandi. The tribals informed that no village Level Committees have been formed as averred by the respondent officers in the Counter affidavit. The District Collector in his counter affidavit did not speak about the District Level Committee Meetings, Mandal Committees etc. However, the Mandal Revenue Officer, Dammamet had averred that regular District Level Committees have been held at the instance of Joint Collector etc. I hereby furnish a xerox copy of press cutting wherein proceedings of an all party meeting were published. As could be seen, nothing came out of these. During this gathering of information some more cases of non-possession of the tribals of their own lane came to my notice and I hereby file tabular form with this information. I tried to pass on this information to Mandal Revenue Officer but he said that it will not be possible to entertain these complaints in view of the tendency of the present Writ Petition. Surprisingly, in some of the villages the police have entered the scene after the filing of the present writ petition and forced the villagers to sign the agreement which has no force of law. These agreements have been counter signed by the Sub Inspector of Police and the Mandal Revenue Officer. Xerox copies are herewith filed of some of the agreements. These agreements clearly /disclose that contrary to the averments in the counter affidavits proper survey has not yet been done and the tribals have not been put in possession as per the law. On 23.11.1999, the District Collector himself has to order the Mandal Revenue Officer to put Smt. Lakshmi, one of the tribals in possession of her land.

05. I further submit that in view of the circumstances stated above, I humbly bring to the notice of this Honourable Court that the tribals have not been put in their Counter Affidavit. I herewith file the information with reference to table, we filed in the Writ Petition. I further submit that there has been some efforts after the filing of the Writ Petition in this Honourable Court, in this direction. But every day we are receiving complaints about the tribals not being in possession of their own lands. The statements submitted by the Revenue Officers disclose that the non-tribals are still in possession of the lands in violation of land transfer regulations in the guise of eligible Sivaijamadar. It is submitted that no non-tribal can be assigned land by the Government in the schedule area as per law. How can the Sivaijamadar continue to be in occupation of the Government land and the Officers not taking any steps to evacuate them and maintaining the status of tribals as landless poor is an issue which is to be taken not by this Honourable Court for appropriate directions.

06. I submit that this Honourable Court may be pleased to permit the petitioner-organisation and the tribals to continue to bring to the notice of the authorities various violations of the land transfer regulations and cases where tribals have not been given possession of the land-pattas which are in their names. If only the Officers had informed the local tribals and volunteers like us about the survey being conducted in the villages, we would have helped the administration for a comprehensive solution of the land problem as per the L.T.R. Regulations.

07. Hence, it is prayed that this Honourable Court may taken on record the averments made by me on behalf of the petitioner-organisation before passing appropriate orders in the Writ Petition.

Solemnly and sincerely  
affirmed on this the day of  
January, 2000 and signed  
his name before me.

ADVOCATE

DEPONENT.

MINUTES OF THE ALL POLITICAL PARTIES MEETING HELD ON 12-2-99  
AT 10:30 A.M. IN THE CHAMBERS OF EXCISE SUPERINTENDENT : KHAMMAM

Present : Sri Mohd. Ali Rafatn, I.A.S.,  
Joint Collector, Khammam.

MEMBERS PRESENT:

1. Sri Gummadi Narasaiah, Ex. MLA[CPI(ML)] Yellandu.
2. Sri Siddi Venkateswarlu, Dist. CPI Secretary.
3. Sri Vempati Suryanarayana, Dist. CPI Executive Member.
4. Sri B.Hamantha Rao, Dist. CPI Council Member.
5. Sri G.Vidya Sagar, Dist. Secretary, BJP Khammam.
6. Sri E.Hari Babu, representative for Dist. Congress Committee President, Khammam.
7. Sri Thammineni Verabhadram, Ex.MP Khammam representative of CPI(M).
8. Sri V.Veeraiah Chowdary, representative of Sri Bhaskar Rao, MP (Congress) Khammam.
9. Sri S.Somla Naik, PCC nominee.
10. Sri K. Koteswarlu.
11. The Asst. Director, S&LR, Khammam.

\* \* \*

A meeting with the above representatives of all Political Parties was convened on 12-2-1999. At the out-set, the Joint Collector emphasised the representatives of all Political parties about the Plan of Action going to be adopted, keeping in view the past experience, and also keeping in view the recent developments that have taken place in the Tribal and Non-tribal agitation in Dammapeta and Aswaraopeta Mandals. The representatives of Political parties were supplied the proposed Plan of Action to sort out the land disputes in Dammapeta and Aswaraopeta Mandals and requested to give suggestions for necessary modifications in the proposed action plan.

The Joint Collector also informed about the formation of District Level Committee, Mandal Level Committee and Village Level Committees, that are going to be formed and functions and powers of such committees. All the representatives were requested to furnish the names of the persons to be in Dist. Level Committee, Mandal Level Committee and Village Level Committees consist of only local level members for mandal and village Level committees respectfully.

The representative of congress Party has suggested that two persons shall be in the Dist. Mandal and Village Committees, one from Tribal and another from non-tribal.

Sri Thammineni Veerabhadram, CPI(M) requested to furnish details of Govt. and assigned made in Aswaraopeta and Dammapeta Mandals during the aggitational Crash assignment programme of Govt. lands so as to make physical verification of the work done by District Administration. The list of assignees in Dammapeta Mandal readily available was given to him. The list of assignees in Aswaraopeta and Dammapeta will be furnished to all the Political Party members within a short time.

It was informed that necessary records (i.e.) Pahani, Sethwar, Village Map can be verified from Mandal Revenue Office Superintendent. In case, if any person required copy of extract of the above record, they can be furnished certified copies.

It was also informed that Asst. Director, Survey and Land Records, Khammam was preparing the maps of Government lands along with details of encroaches. The details of encroachments on Govt. lands can also be verified from Mandal Revenue Officer's Office and these records will be kept in the minds of public or others.

The next District Level Review meeting is fixed tentatively on 25-2-98 and exact meeting date will be communicated shortly.

Sd/- D. Sashidhar,  
Joint Collector, Khammam.

// by order //

Superintendent.

To

All the concerned.

Copy to the Asst. Director, S&LR, Khammam.

Copy to the Revenue Divisional Officer, Paloncha/Khammam/Kothagudem.

Copy to the Sub-Collector, Bhadrachalam.

Copy to the Mandal Revenue Officer, Dammapeta/Aswaraopeta/Mulkalpalli.

Copy to the CC to the Collector/Joint Collector/District Revenue Officer.

To

The Principle Secretary,  
Social Welfare Department,  
Secretariat buildings,  
Saifabad,  
HYDERABAD.

Dated: 03-05-1999.

Sub:- Tribals demand for land distribution as per land records. The callous attitude of district administration.

SAKTI has been in working in Khammam District since 1995. The then Project Officer, ITDA instructed the MROs to allow us to copy the list of assignments made under TGMS (Telugu Girijana Magani Samaradhana) programme. We came to know that many tribals of having pattas without possession in Aswarao pet etc. mandals. We found that the TGMS records are not enough to compare with the ground realities. We could not get the cooperation of Mandal Revenue Staff to identify the land.

The tribals of these mandals being adjacent to West Godavari have been observing the developments in those agency areas; the enjoyment verification of land holdings the government has initiated. They also started demanding similar measures in their mandals. Our coordinator Smt.P.Sarada Devi visiting Aswarao pet mandal has been detained for a while by Police of Aswaraopet in Oct'97. As tensions have been escalating we have withdrawn our staff. Later she met Sri N.K.Prasad District Collector whom we know while he was Sub Collector Rampachodavaram and apprised the land problems. Since then Tribals have been approaching us regularly to explain the developments. In the month of June 1998 the District Administration claims the distribution of 4000 acres of lands. But tribals complain that in these 4000 acres also in many instances pattas are distributed but they were not put in possession. The land is not distributed in uniform holdings but ranging from 5 acres to 1 acre. One Chandrasekhar of K.Ramadasspuram who was unlawfully detained by S.P. himself was given 5 acres of land to wean him out from organising tribals. Revenue officials ignored to identify the land to the pattas issued earlier. In more than 600 cases the Special Deputy Collector (Tribal Welfare), Paloncha referred to the police for the prosecution of non tribals who are continuing in the land even after eviction. The police did not take any action.

Responding to the news and the request of tribals, that tribals can engage choice of volunteers in the land identification, in July 1998 I sent Sri G.Seetaramaiah a retired Deputy Collector who worked and settled in Khammam along with Sri P.Balakrishna a retired MRO to the District Collector with a letter to allow them to work with survey teams and help the tribals to understand the process of identification of land and in deciding ownership etc. The Collector told that he will inform them at appropriate time. But repeated news items on survey forced me to send Balakrishna to find out whether any identification of land is going on. He was taken by police, produced before Superintendent of Police who forced him to return.

The Commissioner, Tribal welfare during his visit instructed the Project Officer to secure the land records and distribute them to tribals. The Kotturu Ramdasapuram tribals copied setwar and pahani and were given a torn out village map. Since the teepan (Field measurement book) was not given to them they are unable to locate the lands. The surveyors visiting the village do not care to help them. The other villagers Guttavarigudem, Tallvacheruvu, Bhimudugudem and Gandugulapalli etc. don't know for whom the records were issued.

In the month of January 1999 tribals of Kotturu Ramadasapuram were arrested. The Project Officer, ITDA was appointed by the District Collector to submit report on the harassment of tribals by police and to appraise the ownership of the land since one Korsa Raghavulu a tribe claims to be the Pattadar of the land where non tribals raised maize crop inspite of the warning by the tribals. When MRO, Dammapeta was delaying the issue of solvency certificates to get the tribals out of Jail for whom the court has granted bail, I requested the District Collector through a telegram to intervene. Soyam Chandrasekhar was again and again being sent to remand. We brought this act of police to the notice of High Court.

The District Collector announced that a Special Officer is being appointed. The proceedings of Joint Collector (20-02-1999), state, that the records can be verified by the interested people, village and Mandal level Committees shall be formed, probably, to monitor progress of land distribution and conflict resolution. On telephone I requested the District Collector and Project Officer to conduct training programmes for these tribals for under standing village map FMB and to compare pahani with setwar. Nothing materialised. The MROs were denying tribals to copy the land records inspite the proceedings of the Joint Collector.

Smt Geetha Ramaswamy, associated with Ibrahimpatnam Vyavasaya Coolie Sangham of R.R.Dist. who worked for implementation of land reforms and done project in collaboration with NIRD on the distribution of surplus lands in various districts, deputed two experienced colleagues to the District Collector, Khammam requesting him to allow them to help the tribals and government officials. The District Collector refused their services.

Tribals informed that police were heavily deployed in Gandugulapalli village and beating the tribals. Soyam Chandrasekhar was again arrested. Smt. Jare Venkatamma suffered head injuries in the hands of police and was treated in a private hospital. When I contacted the District reporters for confirmation after 48 hours, it is a surprise for them. They visited the village reported the grim situation. Korsa Venkateswara Rao of K.Ramdasapuram informed that he was beaten by police.

Ms.Rekha, Umamaheswari, Murali and Srivastava an independent team of academicians and Journalists from Hyderabad, went to know the plight of tribals. The Aswaraopet police did not allow them to proceed. They returned back.

The situation reminds the legendary tales of oppression prevalent during the rule of Nizam. It is obvious that the District Administration both police revenue officials effectively controlling the situation. They revenue officials can not ensure the 100% possession of 4000 acres of land, they claim to have distributed. Every time there is a clash they visit the village, come out with new announcements. If the District Administration feels that the villagers alone should resolve their problems, they must have formed the committees. No special officer was appointed. No committees, no report was submitted. No body is allowed to reach the tribals. Tribals are prevented from approaching any body for succor.

I request you to probe the situation and do the needful in the intrest of tribals and peace and good governance in the area. I am ready to cooperate as per the action plan evolved by the administration.

Yours sincerely

(P.SIVARAMAKRISHNA)

Copies to:

1. The District Collector, Khammam District, Khammam.
2. DIG of Police, Warangal.
3. Director General of Police, Saidabad, Hyderabad.
4. The Superintendent of Police, Khammam, Khammam District.
5. Commissioner, Tribal Welfare, Telugu Samkshema Bhavan, Masab Tank, Hyderabad.
6. The Project Officer, ITDA, Bhadrachalam.
7. To press reporters in Khammam.

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

*APFDC LIMITED - Sale of Cashew usufruct by A.P. Forest Development Corporation Limited - Formation of Co-operative of Tribals for sale of Cashew usufruct at Naramvarigudem Cashew Plantations in Khammam District - Orders - Issued.*

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**ENVIRONMENT FORESTS SCIENCE AND TECHNOLOGY (S&T) DEPARTMENT**

G.O.Rt.No.523

Dated: 1.12.99

Read:-

From the V.C. & M.D., A.P.F.D.Ltd., Hyderabad Lr.No.Ref.OP.003/99, Dt.29.4.99

\*\*\*

**ORDER:**

In the circumstances reported by the Vice Chairman and Managing Director, A.P.Forest Development Corporation Limited, Hyderabad in his letter read above, the matter pertaining to handing over of the Cashew Plantations of the A.P. forest Development Corporation Limited at Naramvarigudem village of Aswaraopeta Mandal, Khammam District to the Vana Samrakshana Samithis on grounds similar to that of landing over usufructuary rights of Beedi leaf units to Vana Samrakshana Samithis as per the orders issued in G.O.Ms.No.66 Environment Forests, Science and Technology (For.III) Department dated: 4.5.99, was discussed in a meeting held on 28.6.99 at 3.00 P.M. in the Chambers of the Chief Secretary. Since these plantations are raised and maintained by A.P.Forest Development Corporation Limited at heavy investments, it was decided to form a Tribal Co-operative of the Tribals in neighbourhood villages of the Plantations and to sanction them the license for collection of Cashew fruit (usufruct) from the plantations on payment of an amount as remuneration to the A.P.Forest Development Corporation Limited to continue to earn returns on the investments made by them and maintain plantations at good health.

Accordingly Government hereby request the Vice Chairman and Managing Director, A.P.Forest Development Corporation Limited, Hyderabad to take action for sanctioning license to collect the cashew usufruct to co-operatives of Tribals from the neighbourhood villages of Naramvarigudem Cashew Plantations being maintained by the Corporation at Naramvarigudem village of Aswaraopeta mandal, Khammam District on the following terms and conditions:

1. The tribal Co-operative should pay the Forest Development Corporation an amount which will not be less than the average price obtained by A.P.Forest Development Corporation Limited on the preceding 3 years for sanctioning license for collection rights of Cashew usufruct.
2. The benefit of general/inflation is to be shared both by the Forest Development Corporation and the Tribal Co-operative, by enhancing the rates from year to year basis, so that the income of Forest Development Corporation Limited is not static.
3. The Forest Development Corporation Limited will continue to maintain the plantations as per the existing maintenance schedule.

The Collector, Khammam District is requested to workout the modalities for formation of Co-operative of Tribals in consultation with the Social Welfare Department and take action to implement the scheme within 30 days and report compliance to Government.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

V.P.JAUHARI,

PRINCIPAL SECRETARY TO  
GOVERNMENT

To  
The Vice Chairman and Managing Director,  
A.P.Forest Development Corporation Limited, Hyderabad,  
The Principal Chief Conservator of Forests, Hyderabad,  
The Principal Secretary, Social Welfare Department,  
The Collector, Khammam,

Copy to:

The P.O., ITDA, Paloncha,  
P.S. to C.S.,  
P.S. to Prl.Secy,  
P.S. to S.s. (For)  
SF/SC.

Copy of :

**GOVERNMENT OF ANDHRA PRADESH  
TRIBAL WELFARE DEPARTMENT**

From  
Smt.M.Chayaratan, I.A.S.,  
Commissioner of Tribal Welfare,  
Telugu Samkshema Bhavan,  
Masab Tank, A.P.,  
HYDERABAD 28.

To  
The Disdtrict Collector,  
Khammam.

Roc.No.1186/94/TRI/Rly.dt.19.5.1994.

Sub:- TWD- LTR 1/1959-Khammam District - Aswaraopet Mandal - Auction of Cashew gardens - Contrary to the provisions of LTR 1/59 - The auction confirmed by the Vice Chairman and Managing Director APFDC, Hyderabad clarification - Regarding.

Ref:- 1. Your Lr.Rc.No.C1(M) 2845/93. Dt.19.11.1993

I am to invite your attention to the reference cited and inform that A.P.Scheduled Areas land Transfer Regulation, 1959, was extended to Aswaraopet Mandal with effect from 1.12.1963 by A.P.Scheduled Areas laws (Extension and Amendment) Regulation, 1963, of immovable property by a person to any person other than Scheduled Tribe in the Scheduled Areas is null and void. The term immovable property under Sc.2(d) of the said Regulation includes standing crops, timber and treas. In W.P.No.3734/93 a Division Bench of A.P.High Court held that 'person' includes Government Supreme Court of India in a case reported in AIR 1968 SC 360 held that the Government can not be excluded from the operation of a particular Act. The statute applies to a state too as much as it does to a citizen unless it expressly exempts the State from its operation.

In view of the above, the A.P.Forest Development Corporation Limited which is an undertaking of Government of Andhra Pradesh also consitutes a 'person' Since the A.P.Forest Developmetn Corporation Limited, is not expressly exempted from the operation of A.P.Scheduled Areas Land Transfer Regulation, 1959 the provisions of Regulation 1 of 1959 will also apply to the operations of A.P. Forest Development Corporation Limited, in Scheduled Areas. In view of the definition of the immovable property under the said Regulation which includes standing crops the open auctions, of A.P. Forest Development Corporation Limited in which the right to collect and remove cashew usufruit from cashew plantations situated in Naramvarigudem village of Aswaraopet Mandal Situated in Scheduled area are null and void under Sectio 3(i) (a) of A.P. Scheduled Areas Land Transfer Regulation, 1959.

Yours faithfully,  
Sd/- M.Chayaratan,  
Commissioner of Tribal Welfare

//true copy//  
SF (LTR) (HA)

West Godavari Collectorate,  
Eluru, Dt.16.6.94

Copy communicated to the Special Deputy Collector , (TW) K.R.Puram, Revenue Divisional Officer, Kovvur, Mandal Revenue Officer, Polavaram, Butaigudem, Jeelugumili for information and guidance. In future.

Sd/-B.Venkateswararao,  
for Collector

To  
The above officers,  
Copy to H1.Clerk,  
3 spare copies to H4, clerk.

IN THE HIGH COURT OF JUDICATURE ANDHRA PRADESH : AT :  
HYDERABAD

W.P.M.P.No.                      of 1998

in

W.P.No. 19120 of 1998

Between:

Akhila Bharateeya Adivasi Vikasa Parishad,  
Chandragonda Mandal Branch,  
represented by its President,  
Seenam Mutyalu

...

Implead Petitioner /  
proposed Respondent No.4

And

M.Bhaskar Rao & others

...

Petitioner-Respondents /  
Respondents.

A F F I D A V I T

I, Seenam Mutyalu, son of Gangulu, aged 35 years, resident of Annapureddipalli Village, Chandragonda Mandal, Khammam District, having temporarily come down to Hyderabad, do hereby solemnly affirm and sincerely state as follows.

1. I am the President of the Implead Petitioner herein / Proposed Respondent No.4 and as such well acquainted with the facts of the case.
2. I submit that earlier the Implead Petitioner herein and another have filed W.P.No.14090 of 1997 praying this Hon'ble Court to declare the action of respondents 4 and 5 therein granting leasehold rights of the agricultural lands attached to Sri Balaji Venkateswara Swamy Temple, Annapureddipalli Village, Chandragonda Mandal, Khammam District to persons other than Tribals as illegal and arbitrary and also against the provisions of A.P. (Schedule Areas) Land Transfer Regulation 1/59 read with Regulation 1/70 and also against the policy of the Government and consequently sought for a direction to respondents 4 and 5 therein to issue leasehold rights of agricultural lands attached to the Temple exclusively to Tribals living in and around Annapureddipalli Village and also filed W.P.M.P. No.16979/97 seeking injuncton restraining respondent 4 and 5 from interfering with the peaceful possession of the Tribals. I submit that this Hon'ble Court was pleased to admit the writ petition and pass interim injunction orders dated 4.7.1997 in W.P.M.P.No.16979 of 1997.
3. I submit that while matters stood thus, after passing of interim orders by this Hon'ble Court, the respondents 5 and 6 in W.P.No.14090 of 1997 have directed the Non-Tribals not to enter the fields in question and further directed them to allow the Tribals to cultivate the lands. It is further submitted that the District Collector, Khammam on our representation has also directed the authorities to grant leasehold rights of the above Temple lands exclusively to the Tribals as they are only eligible to hold the leasehold rights.
4. I submit that the 1<sup>st</sup> respondent herein/writ petitioner and others filed W.P.No.15927 of 1997 though having knowledge that we have already filed W.P.No.14090/97 and obtained directions dated 4.7.1997 without making us as party respondents. We have filed implead petition in the said W.P.No.15927/97 and when the matter came up for hearing on 1.5.98, this Hon'ble Court was pleased to order as follows:

“Post these petitions after summer vacations. In the meanwhile directions to the tribals and non-tribals to pay the lease amounts regularly to the government in respect of their plots.”

5. I submit that as on 4.7.1997 when we obtained interim directions, the Non-Tribals who were in possession earlier were not granted any lease by the Execute Officer i.e., 2<sup>nd</sup> respondent in the present Writ Petition and as per the directions of the District Collector, the Tribals were put into possession of the lands and they are cultivating the lands from 1997 onwards.
6. In view of the above circumstances, I submit that as the dispute is between Tribals and Non-Tribals though the writ petitioner is having knowledge that the implead petitioner herein has filed implead petition in W.P.No.15927 of 1997 and that the Hon'ble High Court has granted interim directions in favour of the Tribals, way back in April 1997 in the Writ Petition filed by us, the petitioner has not chosen to array the implead petitioner as party respondent in the prevent W.P.No.19120/98 and has obtained interim orders dated 13.7.98 without disclosing the true facts.
7. I further submit that I am filing a separate counter and vacate stay petition in W.P.No.19120/98 which may please be read as part and parcel of this affidavit.

It is therefore prayed that this Hon'ble Court may be pleased to Implead the petitioner herein as party respondent No.4 in W.P.No.22817/97 and W.P.No.19120/98 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

DEPONENT.

Solemnly affirmed at Hyderabad  
on this the 26<sup>th</sup> day of August 1998  
and signed in my presence before me.

Advocate: Hyderabad.



IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH : AT :  
HYDERABAD

W.P.No. 7983 of 1999.

BETWEEN:

SAKTI, a non-profit Voluntary  
Social Organisation,  
represented by its Director,  
Rampachodavaram, E.G.Dist.

...

Petitioner

AND

The Government of Andhra Pradesh,  
represented by its Principal Secretary,  
Social Welfare Department,  
A.P. Hyderabad & others.

...

Respondents.

A F F I D A V I T

I, Dr. P. Sivarama Krishna son of Venkata Narsaiah, aged about 47 years, resident of Hyderabad do hereby solemnly & sincerely affirm and state as follows:-

01. I am the Director of the Petitioner-organisation and as such I am well acquainted with the facts of the case. I have perused the Counter Affidavit filed by the District Collector, Khammam and the Mandal Revenue Officer of Dammapeta. I have perused the statistics and tables filed by the respondents to buttress their claim that all is well vis a vis the Tribal Lands in the Scheduled areas of Dammapeta and Aswaraopet Mandals of Khammam District. I hereby deny the averments made in the Scheduled areas of Dammapeta and Aswaraopet Mandals of Khammam District. I hereby deny are specifically and explicitly admitted by me.
02. I respectfully submit that the petitioner-organisation have requisitioned the services of a team of retired Revenue Officers who are well versed with the revenue records and survey operations to pin point the specific problems at the ground level and to collect appropriate evidence to be submitted to the concerned authorities and fora for action to be initiated as per the provisions of various land transfer regulations and the law in force in the schedule area of the State of A.P. The retired Mandal Revenue Officer Mr. P.Balakrishna is heading this team. The Revenue Officers and affidavit and report back to the organisation so that relevant information could be placed before this Honourable Court for appropriate adjudication of the Writ Petition. I submit that after going through his reports I felt that he should file a Sworn Affidavit before this Honourable Court to place before the Court the real and factual situation. He informed that he is not being allowed to go and meet the villagers in the villages. In fact I brought to the notice of R-1 about this, vide letter dated: 3-5-1999 a copy of which is filed herewith.
03. I respectfully submit that though the Revenue Officers have made some survey to identify such lands in the possession of non-tribals in violation of the law, the Tribals have not been given possession of the land as per the various land transfer regulations. I humbly request this Honourable Court to permit us, the volunteers of the Petitioner-organisation and other similarly placed tribals to represent cases to the District Collector, Mandal Revenue Officers and Special Deputy Collectors the instances wherein the tribals have been denied the land and title.
04. It is respectfully submitted that this would enable the authorities to initiate action and we will assist them while conducting any survey in the villages, if we are intimated in advance. This will also enable proper distribution of lands to the Tribals as per the title deeds and L.T.R. regulations. I humbly request this Honourable Court to permit me to place the affidavit filed by the retired Mandal Revenue Officer Mr. Balakrishna and information

gathered by his during his recent visits to these areas, and pass such other or further orders as are deemed fit.

Solemnly and sincerely  
affirmed on this the  
day of January, 2000 and  
signed his name before me.

DEPONENT.

ADVOCATE.

IN THE HIGH COURT OF JUDICATURE : ANDHRA PRADESH : HYDERABAD

W.P.No.7983 of 1999

BETWEEN:

SAKTI, A Non profit  
Voluntary Social Organisation  
Rampachodavaram (E.G.Dist). ... PETITIONER.

AND:

The Government of Andhra Pradesh,  
Represented by its Principal Secretary,  
Social Welfare Department,  
Andhra Pradesh, Hyderabad  
and others. ... RESPONDENT.

COUNTER AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO.3:

I, A. Giridhar, s/o. A.R.L.N. Sarma, aged about (36) years, R/o. Khammam do hereby solemnly and sincerely affirm and state as follows:-

1. I am respondent No.3 herein and as such I am well acquainted with the facts of the case. I have read the Petitioner's affidavit filed in support of the Writ Petition and I submit that it does not disclose any valid or substantial grounds to issue any relief as prayed for. The petitioner is put strict proof of those allegations which are denied, except to the extent of these specifically admitted hereunder.
2. In reply to para 3, it is to submit that, it is ture to say that Ashwaraopeta and Dammapeta Mandals fall in the scheduled area of the State which are governed by the Agency Rules i.e., Act 1 of 1959 and 1.1970. No illegal transactions have been made against the provisions of Act 1 of 1959 and 1 of 1970 in these Mandals. The Agency Laws in these mandals have been enacted for protecting the lands of Scheduled Tribes and they prohibit alienation of land from tribals to non-tribals as per 1 of 1970 Act.
3. In reply to para 4, it is respectfully submitted that the District Administration has takeup a special survey from November, 1997 to survey the Government lands which are in the possession of Non-Tribals and Tribals. During the Special Survey in Ashwaraopeta and Dammapeta Mandals, the details of lands found under the possession of non-tribals and tribals are as shown below as on 30.6.1999 as per the special survey:

Sl.No.	Name of the Mandal	Extent Surveyed including patta and Govt. land	Total Government land assigned	
			No.	Extent
1.	2.	3.	4.	5.
1.	Ashwaraopeta	7,585.37	744	1675.17
2.	Dammapeta	9,684.00	1279	1940.00
Total :		17,269.37	2023	3613.17

4. In reply to para 5, it is to submit that the averments are not true. Whenever the tribal leaders have requested for supply of information regarding the holdings of non-tribals and tribals they were supplied immediately by both of the Mandal Revenue Officers. It is also submitted that the names of encroaches both tribals and non-tribals are being recorded in Village Account No.4C.
5. During the Special Survey conducted by the District Administration, the tribal leaders are attending the survey work and wherever the doubts have been raised by the Tribals about the

survey, the survey has been conducted again by the field staff under the supervision of Deputy Inspector and Assistant Director, Survey and Land Records so as to leave no room for doubt in the minds of the tribals.

6. In reply to para 6, it is submitted that Sri P.Balakrishna, Retired Revenue Officer, who is playing an active role in Sakti Voluntary Organisation has visited Aswaraopet and Dammamet Mandals in the month of September, 1998 and discussed about the land problems and distribution of Government lands and has obtained particulars of assignment made to the Tribals from both Mandal Revenue Officers and he has satisfied himself about the special survey and regarding the distribution of Government lands.
7. In reply to para 7, it is to submit that it is a fact that some of the tribals who were granted pattas were not put in physical possession, However, such cases were also identified and taken into consideration and all the assignees were put in physical possession during the special survey. They are in possession over the land assigned to them.

Further it is also submitted that while putting the assignments in physical possession, the pattadar pass books and title deeds have also been simultaneously distributed to them.

8. In reply to para 8, it is submitted that the tribals who were granted pattas earlier and not put in physical possession were also identified and put in physical possession during the special survey conducted in both the Mandals i.e., Aswaraopet and Dammamet. As per the statement showing the tribals who have pattas without land in Khammam district have been surveyed and they were put in physical possession the details are furnished in the statement annexed.
9. In reply to para 9, it is to submit that during the Special Survey, the teams have invited all the tribal beneficiaries and ryots in the village and that the tribal and non-tribal leaders have attended the special survey work taken up by the District Administration.
10. In reply to para 10 to 12, it is to submit that during the special survey, wherever ineligible non tribals were detected to be in possession they have been evicted and the same lands were assigned to the tribals and they were put in physical possession. Before taking up special survey in the villages Grama Sabhas were conducted and all the revenue records were read openly so that the position as per records were brought to the knowledge of the tribals and any variation with regard to possession would be detected.
11. In reply to para 13, it is to submit that the staff relating to Special Deputy Collector (Tribal Welfare) Palvancha and Mandal Revenue Inspectors of both the Mandals are protecting the lands and taking steps to prevent violation of the Agency Rules framed under A.P. Scheduled Areas Land Transfer Regulations Act 1/1959 read with 1 of 1970. As and when the cases are traced they are reporting the same to the superior authorities for booking of cases under Land Transfer Regulations.
12. It is to submit that in para.14, the petitioner has submitted a list of survey numbers in respect of which it is stated that the Tribals are having patta but are not in physical possession of the land. In this regard it is to submit that the entire list has been verified at ground level and it is to inform that in most of the cases ST assignees are actually in physical possession of the land and in view cases where it was detected that they were not in physical possession of the land, the physical possession of the land has been handed over to them as on the date. It is further to submit that in a few cases are on enquiry ascertained to be old patta land of non-tribals which do not attract the provisions of L.T.R. Hence, it is to submit that the direction sought for by the petitioner is not necessary as it has already been complied with to the extent necessitated and provided for by the existing rules and regulations.

Further, it is submitted that some of the Tribal assignees were provided financial assistance for clearance of bushes, erecting of facings and digging of Bore wells in their assigned land is under land development scheme by the Project Officer, ITDA, Bhadrachalam. Hence it is to respectfully submit that the Governmental agencies are taking all steps to protect the interest of the tribals and are also working whole heartedly for their development.

It is therefore prayed that this Hon'ble court may be pleased to dismiss the above Writ Petition with costs.

DEPONENT.

Solemnly and sincerely affirmed  
on this the 2000 and  
signed his name in my presence.

Before me.

ATTESTOR.

## **Dwcra women want royalty paid on cashew grove**

**Khammam, March 9:** Differences came to the fore between the officials of the Integrated Tribal Development Corporation over the payment of royalty on 1,600 acre cashew grove situated at Naramvarigudem in Dammamet mandal of the district.

As many as 532 tribal Dwcra women, who were enjoying the produce, were assured by Chief Minister Chandrababu Naidu, at a public meeting that the lands would be handed over to them. The Forest Development Corporation raised a cashew grove in 1,600 acre government land 15 years ago and was marketing cashew nuts every year. Later, the corporation refused to hand over the land to the tribals saying that it was against the Forest Act. But the district administration insisted on the land transfer and argued that the cashew grove was located where 1/1970 Act was in vogue. Then, the administration and the corporation came to an understanding on the issue. According to the understanding the ITDA was to pay a royalty on the grove every year according to the market rate.

The ITDA paid Rs.25 lakh royalty to the corporation in the first year and handed over the crop to tribal Dwcra groups. The ITDA, as a nodal agency, supervised the production and sale of the crop. The profit accrued was being distributed to the 532 Dwcra women. The ITDA did not face any problem regarding the payment of royalty and giving away the profit to women in the first year, the Agency did not get the royalty amount as it was paid to the FDC due to fall in price of cashew nuts. On the other hand, Dwcra women insisted that the Agency pay their wages at least. Under the circumstances, the ITDA owed Rs.12 lakh royalty to the corporation. As a result, the ITDA made a new proposal that the revenue should be distributed between the Dwcra groups and the corporation in ratio of 80 : 20 and the district administration sent it to the government for approval. But, the Forest Development Corporation rejected the proposal and the Dwcra women appealed to the CM to pay the royalty.

*- Deccan Chronicle, Hyderabad, Sunday, March 10, 2002.*