

23/5/17

**GOVERNMENT OF ANDHRA PRADESH  
FOREST DEPARTMENT**

Ref:No.21059/2015/WLR-2  
Dated: 04-05-2017

O/o. Principal Chief Conservator of Forests (HoFF)  
Aranya Bhavan, Agarthavarapadu,  
Andhra Pradesh, Guntur.

**Sri P. K. SARANGI, IFS,**  
Principal Chief Conservator of Forests  
(Head of Forest Force)

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**CIRCULAR No.3/2017**

Sub:- Court cases – Circular instructions and procedures to be followed and prompt action to be taken while preparing the affidavit – instructions issued – Regarding.

Ref:- Rule 117 of Andhra Pradesh Forest Department Code.

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The Circle Heads and Divisional Forest Officers are informed that it has been observed that major cases related to land dispute or claims made by the claimants within Forest Areas, the Divisional Forest Officers and Forest Range Officers are unable to defend the cases successfully in various Courts due to lack of persuasion or knowledge of law. The cases are getting entangled in prolonged court battle. The Hon'ble Courts including High Court are issuing directions in form of stay order or status quo order due to insufficient submission of informations, material papers and documents. It has to be appreciated that until and unless sufficient documentary evidences and all relevant material papers are submitted to the Court by the concerned Divisional Forest Officers/Forest Range Officers, the Hon'ble Courts may not be in a position to arrive at any definitive conclusion. Therefore, it is mandatory for Divisional Forest Officers/Forest Range Officers to follow the Court procedures and submit all necessary documents to get favourable orders from the Courts. The main reason for huge pendency in various courts including High Court of AP are due to following reasons:-

- i. Improper, defective or insufficient preparation of draft affidavit.
- ii. Improper scrutiny made by Divisional Forest Officers while preparing of draft affidavit and is left either to Forest Range Officer or concerned ministerial staff of Division or Range Office.
- iii. Supporting documents are not enclosed along with affidavit.
- iv. Affidavit submitted without initiating action against the accused in case of encroachment of Forest Land.

Therefore, it is felt that the following procedures and instructions should be followed strictly in future to defend the cases fought in the various courts, specially in High Court successfully:-

1. In respect of cases filed before the High Court of Andhra Pradesh, the affidavit copy is received by the Law Officer before the case is heard by the Hon'ble Court, and the Law Officer will immediately communicate the same to the concerned Field Officers and Head Office for seeking necessary instructions. The affidavit should be immediately studied by the concerned Divisional Forest Officer and instructions in writing should be furnished to the Law Officer as well as the Government Pleader to oppose the grant of interim relief.
2. The para wise remarks should be prepared by the Divisional Forest Officer concerned and the same may be furnished to the office of Conservator of Forests and the Principal Chief Conservator of Forests along with copy of the affidavit and related documents for corrections, modification, and incorporation of additional relevant information and documents.
3. After the approval of para wise remarks by superior officers, the same should be got approved by the Government counsel, and a fair copy of counter affidavit should be filed in the Court of law and copy of the same should be submitted to the Conservator of Forests and the PCCF for further follow up actions.
4. The Counter Affidavit should be filed with copies of relevant documents so that the Court can have clear view on the relevant points made by the Divisional Forest Officer/Forest Range Officer concerned and appreciate the facts of the case based on the crucial points mentioned in the affidavit and also the material documents submitted along with affidavit in support of the argument made by the Forest Department.
5. The concern Divisional Forest Officer/Forest Range Officer should follow the below mentioned steps. In respect of encroachment cases, the petitioner files petition in Hon'ble High Court for seeking directions in the form of mandamus requesting for non-interference of the concerned Divisional Forest Officer/Forest Range Officer and for peaceful enjoyment of the disputed land.
  - (a) The survey sketch and location sketch of claimed land parcel prepared with GPS equipment and digitized on Survey of India Topo sheet, should be submitted along with affidavit so that the Hon'ble Court can appreciate the location of forest land and the land claimed by the petitioner. The place of offence should be indicated on the Survey of India map and with reference to the forest boundary notified Under Section 15/16 of Forest Act and U/s 4 of AP Forest Act 1967.
  - (b) The Gazette map and notification describe the Forest Block boundaries, adjoining villages and several distinguishing features and description of forest block respectively. Copies of the above two documents should be submitted along with affidavit as primary documents.
  - (c) Other supporting documents like; Oldest Village Map, extract of the Revenue Survey Record (RSR), and Adangal Records should also be submitted along with primary documents. Prepare a list of Pattadars with survey numbers located along the Forest Block boundaries

adjacent to claimed land. These documents will facilitate the Court to arrive at a considered decision.

- (d) Follow the procedure already issued in PCCF Rc.No.19055/2016/WLR-4, Dt: 03-03-2017, to deal with the encroachment cases laid down Under Section 20 (d) (3 & 4) of A.P Forest Act, 1967 and other Acts.

The notification of Forest Blocks and Gazette map submitted for consideration of the Hon'ble Court, will indicate the quantum of punishment to be imposed by the Court of law.

6. In respect of Offence cases, when the prosecution is to be launched against the offenders, the sanction order issued by the Divisional Forest Officer concerned as per Andhra Pradesh Forest Offences (Compounding and Prosecution) Rules, 1969 should be enclosed along with Charge sheet in Form-F of the Rules.
7. In case, where interim order is issued by the Court, the counter affidavit should be filed along with Stay/Interim order for vacation.
8. In the event of contempt notice issued based on any court case, immediate action should be initiated to file appeal and obtain stay order in the next higher bench or superior court. After exhausting all legal recourse only, relevant court order should be implemented. Any adverse order in contempt cases will be viewed seriously and will also reflect in the assessment of performance of concerned Officer.
9. The Officers are advised to check the current status of cases in High Court by visiting the website <http://hc.ap.nic.in> and for the cases in District Courts or Magistrate Courts the website <http://ecourts.gov.in/xxxx> where xxxx is the name of the district concerned. For example the website for Guntur District will be <http://ecourts.gov.in/guntur>. The stage of the case can be ascertained in the above manner and in case of difficulty a person may be deputed to the concerned Court to know the stage of the case instead of addressing repeatedly the concerned Government Pleaders or Prosecutors.
10. For matters filed in National Green Tribunal, the procedure given in High Court cases may be followed. The stage of the case can be ascertained from <http://www.greentribunal.gov.in>
11. The cases to be contested before Supreme Court of India, the procedure given in the Forest Code should be followed. For ascertaining the stage of the case and daily orders in Supreme Court the website <http://supremecourtfindia.nic.in> may be visited.

The above instructions will come into force with immediate effect and should be scrupulously followed. Any deviation and laxity in dealing with the court cases will be viewed seriously and the defaulting Field Officers would be liable for suitable disciplinary action.

**Sd/- P. K. Sarangi**  
Principal Chief Conservator of Forests  
(Head of Forest Force)

To:

All the Circle Heads/Divisional Forest Officers, (DFOs are requested to communicate this Circular to all the Sub-DFOs / FROs for strict compliance)

Copy to all the Officers in Office of Principal Chief Conservator of Forests (HoFF), A.P, Guntur.

Copy to all the Manager/Superintendents in Office of Principal Chief Conservator of Forests (HoFF), A.P, Guntur.

Copy to the PCCF(Admn) O/o. PCCF, AP, Guntur, for Circulars Stock File.

Copy to the PCCF(IT) for keeping the Circular in the Website of Forest Department.

Copy to the OSD (Law), O/o. PCCF(HoFF), Aranya Bhavan, A.P, Hyderabad with a request to apprise the GP for Forests, Hon'ble High Court of AP, on instruction issued to DFOs/FROs.

Copy to table of the PCCF(HoFF), AP, Guntur.

//t.c.b.o//

  
Superintendent.

  
11/5/17