

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 27322 of 2012

Date: 08.06.2015

Between:

M/s. Balaji Educational Society,
Warangal.

.... Petitioner

And

District Collector,
Warangal District,
Warangal and two others.

... Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 27322 of 2012

ORDER:

The petitioner is an educational society. Its proposed campus is in Narsampet Village, Warangal District. According to it, 55 palm trees existing on the land were hampering construction of a building for setting up a college and it applied for permission to cut down the same. Acting thereupon, the District Collector, Warangal District, is stated to have accorded due permission under proceedings dated 20.08.2010. While so, the Prohibition and Excise

Superintendent, Mahabubabad, Warangal, issued the impugned proceedings dated 03.10.2010 keeping the permission granted by the District Collector, Warangal, under proceedings dated 20.08.2010, in abeyance. Aggrieved by this action, the petitioner-society preferred this Writ Petition.

Perusal of the impugned proceedings dated 03.10.2010 of the Prohibition and Excise Superintendent, Mahabubabad, reflects that there is a rival claim between the petitioner – society and the Toddy Tappers Cooperative Society, Laknepally, which asserted that the livelihood of its members would be adversely affected by the cutting down of the trees in question. It appears that the orders keeping the earlier permission in abeyance were granted pending further examination of the issue.

The Prohibition and Excise Superintendent, Mahabubabad, filed a counter affidavit stating that after grant of the permission under the proceedings dated 20.08.2010, a complaint was received from the Toddy Tappers Cooperative Society, Laknepally, whereupon the District Collector, Warangal District, ordered an enquiry. This enquiry is stated to have revealed that no construction activity was going on in the subject land, but the claim of the members of the Toddy Tappers Cooperative Society, Laknepally, was that their livelihood would be adversely affected if the trees in question were cut down. It is on this basis that the later proceedings dated 03.10.2010 were said to have been issued by the Prohibition and Excise Superintendent, Mahabubabad, keeping the earlier proceedings dated 20.08.2010 under abeyance. This counter affidavit was deposited on 19.11.2012.

In the light of the aforestated controversy, the factual disputes raised between the parties cannot be decided by this Court in exercise of writ jurisdiction. It is for the District Collector, Warangal District, to examine the matter in detail after giving due opportunity of hearing to both the parties concerned and take a decision.

The Writ Petition is therefore disposed of directing the District Collector, Warangal District, to give notice of hearing to the petitioner - society and the third respondent - society and after giving due opportunity of hearing to both, pass appropriate reasoned orders in the matter. It shall be open to the District Collector, Warangal, to cause a fresh enquiry as to the ground position and

then take an informed decision. This entire exercise shall be completed expeditiously and in any event, not later than two months from the date of receipt of a copy of this order.

Pending Miscellaneous Petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date: 08.06.2015

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