

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.10284 OF 2012

DATED: 01.06.2015

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Between:

Mrs. T. Thamizh Selvi

.. Petitioner

And

The Director of Mines & Geology, A.P., Hyderabad,
and others.

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.10284 of 2012

ORDER:

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This writ petition was filed assailing the action of the forest authorities in stalling the petitioner's quarrying operations in Sy.Nos.367/1 and 368/4 of Bodevaripalli Village, Chittoor District.

The petitioner claimed that no joint survey has been conducted by the Forest, Revenue and Mines Departments of the State to ascertain whether the leased area fell within a forest.

By order dated 12.04.2012, this Court directed the Forest Range Officer, Punganur, Chittoor District, 4th respondent herein, not to interfere with the petitioner's quarrying operations in pursuance of the work order dated 19.03.2012

except in accordance with the due process of law.

Though the 4th respondent filed W.V.M.P.No.2667 of 2012 to vacate the afore-stated order, it is clear from the order itself that the 4th respondent was given liberty to follow the due procedure laid down by law in the event the quarrying operations of the petitioner warranted interference. In the counter-affidavit filed in support of the vacate stay petition, the 4th respondent asserted that the petitioner's quarrying operations were being conducted in the land belonging to the Forest Department. However, the contention of the petitioner all along has been that there has been no joint survey conducted by departments of the State concerned to ascertain this factual aspect. Unless the Revenue and the Forest Departments come together and demarcate the boundaries of the forest land, the controversy cannot be set at rest. It is only after such joint survey is conducted that the Forest Department would be in a position to state that illegal quarrying operations have been undertaken in a forest area.

The writ petition is therefore disposed of leaving it open to the Departments of the State concerned to undertake a joint survey to ascertain the factual position insofar as the petitioner's work order dated 19.03.2012 is concerned and take action thereafter in accordance with law as deemed fit. This exercise shall be completed within six weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

1st June, 2015

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