

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.33920 of 2011

Date:01.06.2015

Between:

Valakonda Devender Rao

..... Petitioner

And:

The Chief Conservator of Forest,
Govt. of A.P., Hyderabad and 3 others

.....Respondents

Counsel for the Petitioner: Sri Mohd.Asifuddin

Counsel for the Respondents: None Appeared

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the inaction of respondent Nos.1 to 3 in taking action against respondent No.4, in pursuance of the petitioner's representation dated 07.08.2011, as illegal and arbitrary. The petitioner sought for a consequential direction to the said respondents to consider his representation, dated 07.08.2011.

I have heard Sri Mohd. Asifuddin, the learned counsel for the

petitioner and perused the record. No one appeared for the respondents at the hearing.

The petitioner claimed that his mother by name Valakonda Lasmavva was the owner and possessor of agricultural dry land admeasuring Acs.5.02 guntas in Survey No.109 of Ramanujapuram Village, Gambhiraopet Mandal, Karimnagar District; that his mother is holding patta certificate issued by the Mandal Revenue Officer/Tahsildar on 19.12.2007; and that the pahani for the year 2007-2008 was also issued in the name of his mother by the revenue authorities. The petitioner further submitted that his mother died on 30.02.2010 and since then he was in possession of the above-mentioned land cultivating the same. He further averred that after getting the land surveyed and demarcated, he was in the process of fixing the boundaries by raising the fence and that when the said work was being taken up, respondent No.4 along with his staff arrived at the spot and threatened him not to take up the said work; that despite his requesting respondent No.4 not to interfere, the latter did not heed to the said request and demanded huge sum of Rs.40,000/- towards compounding fee and forcibly collected the same though he has issued receipt only for Rs.15,000/-, vide POR.No.19/90, dated 24.06.2011; and that questioning this illegal and unethical action on the part of respondent No.4, the petitioner made a representation on 07.08.2011 to respondent No.1 and the said respondent has not taken any action.

In response to the notice issued by this Court, respondent No.4 has filed a detailed counter-affidavit, wherein he has *inter alia* stated that the land claimed by the petitioner is a part of Ramanujapur Reserve forest block which was notified, vide G.O.Ms.No.159, F & RD (For.III), dated 27.05.1983 under Section 15 of the Andhra Pradesh Forest Act, 1967 (for short 'the Act') and that therefore, the question of the Mandal Revenue Officer/Tahsildar issuing a patta certificate on 19.12.2007 did not arise; that the members of Mallareddipet Vana Samrakshana Samithi informed respondent No.4 that during the perambulation operation undertaken in respect of the reserve forest, they have found that some unknown persons have cleared the bushes in reserve forest in compartment No.190 and on receiving such information, the Forest Section Officer and his staff inspected the area and during their inspection, they have found the petitioner felling 9 teak trees and bushes, for which they have booked a case against him, vide POR.No.19/90, dated 24.06.2011, under Sections-20 and 29 of the Act by conducting spot panchanama; that during the enquiry, the petitioner has accepted his guilt and executed Form-D agreeing for compounding of offence and that on

execution of the compounding statement, a sum of Rs.15,000/- was collected through money receipt No.0337130, dated 24.06.2011 and the receipt was handed over to the petitioner under acknowledgment. Respondent No.4 has denied the allegation that he has received Rs.40,000/- and issued receipt only for Rs.15,000/-.

Except the *ipsi dixit* of the petitioner, no *prima facie* evidence is produced to show that respondent No.4 has received a sum of Rs.40,000/- and issued receipt only for Rs.15,000/-. In the absence of such *prima facie* evidence, this Court does not feel inclined to issue any direction to respondent No.1 to hold an enquiry into the allegations made by the petitioner. However, the petitioner is left free to approach competent civil Court for appropriate relief. In the event, the petitioner could prove his allegations before the civil Court and secures a decree against respondent No.4, he is entitled to approach respondent No.1 for taking appropriate departmental action against the former.

Subject to the liberty given to the petitioner as above, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.Nos.42190 and 42191 of 2011 filed by the petitioner for interim relief are dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

1st June, 2015

DR