

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CONTEMPT CASE No.228 of 2015

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09.10.2015

Between:

Nupa Veeraiah and others

.. Petitioners

and

Mr.S.B.L.Misra, I.F.S., Principal Chief Conservator of Forests,
Hyderabad and others

.. Respondents

Counsel for the petitioners: Mr.Mummaneni Srinivasa Rao

Counsel for the respondents: Mr.Andapalle Sanjeev Kumar,
Special Government Pleader (TS)

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The Court made the following:

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ORDER:

This contempt case is filed alleging willful disobedience of the order, dated 27.10.2014, in W.P.No.24261 of 2014.

This Court, by the aforesaid order, disposed of the said writ petition by directing respondent Nos.3 to 6 therein to permit the petitioners to fell the balance 533 trees in terms of G.O.Rt.No.1, dated 01.01.2010 and proceedings in Rc.No.1889/2001/B7, dated 14.05.2010, of respondent No.4 therein and issue transport permits in accordance with the provisions of the Andhra Pradesh Forest Act, 1967 and the Andhra Pradesh Preservation of Private Forest Rules, 1978, within two months from the date of receipt of a copy of the said order.

Several events have taken place after the passing of the aforementioned order, reference to which is not necessary. In order to test the veracity of the version of the respondents that the petitioners have felled, transported and sold the trees far

beyond their entitlement even without permission of the respondents, this Court has directed the learned Judicial Magistrate of First Class, Bhadrachalam, to inspect the patta lands of the petitioners and submit a report with regard to the number of eligible trees available over the said lands. Accordingly, the learned Magistrate inspected the patta lands and submitted his report, dated 26.08.2015, wherein he has stated that the total number of eligible standing trees that are available on the patta lands is 372 and the total number of felled trees available on the patta lands is 102, totaling 474. It is not in dispute that as per the original proceedings in Rc.No.3030/2007/B7, dated 14.05.2010 of respondent No.3, out of the total number of eligible trees (having 120 cms girth) of 1,562, permission for felling 781 eligible trees constituting 50% of the said total number of eligible trees was granted. By the time this Court has passed orders on 27.10.2014 in W.P.No.24261 of 2014, the petitioners have felled 248 trees and therefore, this Court has directed the respondents to grant felling permission for the remaining 533 trees. Indeed, such permission was granted by respondent No.3 on 16.01.2015 and respondent No.1 has also issued proceedings on 28.01.2015, which according to the petitioners is contemptuous as it contains certain conditions which were not stipulated by this Court in the aforesaid order. The necessity for this Court to examine the conduct of respondent No.1 in stipulating the conditions which were not prescribed by this Court in the aforesaid order is obviated for the simple reason that the undisputed facts which have come out during the hearing of this contempt case reveal that the petitioners have suppressed the material fact viz., that instead of 533 trees which are eligible to fell, 20 out of 33 petitioners have felled their quota of trees but also the trees which are retainable. This is clear from the fact that while there should have been 1,314 eligible trees in all (781+533) even as per the Magistrate's report, there were only 372 eligible trees standing including 50% retainable trees besides 102 felled trees. This clearly shows that 20 out of 33 petitioners have not only felled their quota of trees but also those which are liable to be retained towards 50% quota except to the extent of four trees. With respect to the remaining 13 petitioners, the report shows that they are entitled to felling permission for 67 trees only. These facts would clinchingly demonstrate that all the petitioners have felled the eligible trees even without obtaining specific permissions and filed this contempt case suppressing this material fact, driving the respondents to this Court and based on the *prima facie* consideration of the contempt case, this Court has directed appearance of respondent Nos.1 to 3.

From the facts referred to above, this Court is convinced that the petitioners have illegally felled and sold away the trees even without waiting for the grant of permissions by the respondents and filed this contempt case suppressing the said fact. The jurisdiction of this Court under the Contempt of Courts Act, 1971, being discretionary, this Court seldom exercises such discretion in favour of such persons, who are guilty of suppression of material facts and misleading this Court.

Hence, the Contempt Case is dismissed. For subjecting respondent Nos.1 to 3 to needless litigation, the petitioners are saddled with costs of Rs.1,000/- (Rupees one thousand only) each, payable to the Government of Telangana, Forest Department, within a period of one month from today.

C.V.NAGARJUNA REDDY, J

09th October, 2015

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