

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
WRIT PETITION No.21947 of 2015

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Forests for respondents.

2. The case of the petitioners is that there is an ancient Temple by name Omkareshwara Kshetram in survey No.869/1 of Ernapadu Village, Bandi Atmakur Mandal, Kurnool District. As per the revenue records, the Temple is having an extent of land Acs.31-50 cents in survey Nos.868 and 869/1. Surrounding to the said land, the land belonging to the Forest Department is situated. Some people constructed shelters for providing food to the devotees. However, a case was booked against the petitioners by the Forest Department in POR No.268/2015-16 on 02.06.2015. Challenging the same, the present Writ Petition is filed.

3. A perusal of the case in POR No.268/2015-16 indicates that a compoundable offence was booked against the petitioners under Rule 3 (1) of the A.P. Forest Offences (Compounding & Prosecution) Rules, 1969 on the ground that a temple and other constructions were constructed violating the provisions of the A.P. Forest Act and Wild Life Protection Act.

4. The learned counsel for the petitioner submits that for the said offence, the petitioners are going to be arrested, even though the alleged offence is a compoundable offence and the petitioners have not done any offence.

5. In the circumstances, the Writ Petition is disposed of directing respondents 1 and 2 to conduct an enquiry in respect of the offence alleged against the petitioners and pass appropriate orders thereon without arresting the petitioners in connection with the said offence. The enquiry and final orders in respect of the said offence shall be completed within a period of three months from the date of receipt of a copy of this order. No orders as

to costs. Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 15.07.2015
TJMR