

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.26886 of 2014

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Date: 19-01-2015

Between

M/s. Mahalakshmi Minerals
& Trading Consultancy,
Rep. by its Sole Proprietor,
Sri Tiruvedula Venkata Sivaram

... Petitioner

and

State of AP,
Rep. by its Prl. Secretary to
Forest Dept., Secretariat,
Saifabad, Hyderabad;
and 2 others

... Respondents

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Order:

Heard Sri Solomon Raju Manchala, learned counsel
appearing for the petitioner and the learned Government
Pleader for Forests appearing for the respondents 1 to 3.

2. The petitioner is proprietor of M/s. Mahalakshmi
Minerals and Trading Consultancy. The authorities of
St. Joseph Boys School and Hostel, Padmapuram Village,

Arakuvalley Mandal, Visakhapatnam District raised certain acacia trees in the premises of the school, which was taken on lease from the Government. Some of the trees raised by the School authorities have fallen down and some trees are standing. The petitioner entered into an agreement with the School authorities to cut and carry the acacia trees existing on the premises of the school. The petitioner submitted an application dated 20-5-2014 to the Divisional Forest Officer, Paderu Division, Visakhapatnam District-respondent No.3 to grant Transit Permit in its favour to cut and carry the trees which were raised by the School authorities with the assistance of the tribal farmers. The present writ petition is filed seeking a Writ of *mandamus* directing the respondents 2 and 3 to grant transit permission for transporting the acacia wood from Survey No.77/1 of Padmapuram Village, Arakuvalley Mandal of Visakhapatnam District.

3. The respondents have not specifically denied in the counter the fact that the School authorities have raised acacia trees in the school premises. Therefore, the assertion made by the petitioner that the trees have been raised by the School authorities is deemed to have been admitted though specifically not denied.

The respondents, *inter alia*, submitted that no permission is required for cutting and removing the head-loads and cart-loads of acacia trees other than those reserved for prohibited trees by the local tribals for their *bona fide*

domestic needs.

4. As per the Andhra Pradesh Preservation of Private Forest Rules, 1978, "Prohibited Trees" shall mean the trees specified in Schedule-I and "Reserved Trees" shall mean, the trees specified in Schedule-II. Acacia trees have not been specified in Schedule-I and Schedule-II. Therefore, obviously no permission is required for cutting and carrying the acacia trees existing in the school premises since they have been raised by the School authorities. The contention of the respondents is that the Tahsildar, Avakuvalley Mandal instead of forwarding the application submitted by the petitioner seeking permission for felling and carrying out trees to the Divisional Forest Officer, Paderu Division, transmitted the same to the District Collector, Visakhapatnam. Even though the Tahsildar failed to transmit the application made by the petitioner to the Divisional Forest Officer, the said issue does not assume any importance because for acacia trees no such permission is required. It seems that the writ petition is filed on the unfounded apprehension that the Forest officials would prevent the petitioner from cutting and carrying out the acacia trees existing in the school premises.

5. In view of the above, it is held in the present writ petition that no permission is required for cutting and carrying out the acacia trees by the petitioner.

As no such permission is required, the direction as prayed for in the writ petition need not be issued to the respondents. With the aforesaid observation, the writ petition is disposed of. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

R.KANTHA RAO, J.

19th January, 2015.
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HON'BLE SRI JUSTICE R.KANTHA RAO

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19th January, 2015.
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