

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

WRIT PETITION No.20806 of 2012

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06.08.2015

Between:

M/s.Southern Rocks & Minerals Private Limited,
Ongole and another

...Petitioners

And

The Forest Range Officer, Warangal and others

...Respondents

Counsel for the petitioners: Mr.T.Sreedhar

Counsel for the respondents: Government Pleader for
Forests (TS)

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The Court made the following:

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ORDER:

The notice, dated 15.06.2012, issued by respondent No.1 directing the petitioners to forthwith stop mining activities, produce the relevant documents and show cause why legal action shall not be initiated against them for their illegal mining operations in compartment No.1138 is questioned in this writ petition.

Since there is no dispute on the status of survey Nos.203, 204 and 205 of Chinnanagaram Village, Nellikudur Mandal, Warangal District, more so after filing of the counter-affidavit by the respondents, recording of detailed facts is unnecessary. It will suffice to note that as per the joint survey report, dated 16.02.1995, signed by the Sub-Divisional Forest Officer, Mahabubnagar and the Assistant Director, District Survey and Land Records, Warangal, the lands in survey Nos.203, 204 and 205 were initially part of Inugurthy forest west block and that as per the judgment No.24/1354 Fasli, dated 8th Ardh Bahisi 1354 Fasli, the same were subsequently deleted from the reserve forest. It is also not in dispute that initially prospecting license was issued in favour of the predecessor in title of the petitioners for part of the lands in the said survey numbers and that subsequently, quarry leases were granted in the year 2007, which were transferred in the name of the petitioners on 07.03.2012. From the impugned notice, dated 15.06.2012, issued by respondent No.1 also, it is implied that he has also recognized the fact that the above three survey numbers were initially included in the aforesaid reserve forest and that they were subsequently deleted. Having said so, respondent No.1 has made a vague statement that as Inugurthy forest west block was notified under Section 4 of the Hyderabad Forest Act, no mining operations can be

undertaken without the prior approval of the Central Government and that the petitioners have been carrying on illegal mining operations in compartment No.1138, which constitutes an offence under the Andhra Pradesh Forest Act, 1967 (for short 'the Act') and the Forest Conservation Act, 1980.

At the hearing, the learned Assistant Government Pleader has fairly stated that survey Nos.203, 204 and 205 fall outside Inugurthy forest west block and that no exception can be taken to the petitioners' carrying on mining operations in those survey numbers. However, the impugned notice issued by respondent No.1 is thoroughly vague. While on the one hand, he says that previously survey Nos.203, 204 and 205 were included in the reserve forest and at the same time, he makes a statement that carrying on mining operations in a reserve forest declared as such by notification under Section 4 of the Hyderabad Forest Act constitutes an offence. The impugned notice does not contain any unequivocal statement that the petitioners are carrying on mining operations over the land other than the one which is situated in survey Nos.203, 204 and 205. While carrying on mining operations in a reserve forest is illegal as stated in the impugned notice is unexceptionable, in the absence of specific allegation that the petitioners have been carrying on such mining operations in compartment No.1138, the impugned notice rendered itself wholly vague and equivocal and the petitioners are not expected to submit any explanation to such a notice. Further the direction issued by respondent No.1 to the petitioners not to carry on mining operations till submission of their explanation and the issue is decided, based on such a vague notice, is wholly unwarranted. If respondent No.1 finds that the petitioners have encroached into the reserve forest beyond their land in survey Nos.203, 204 and 205, he is expected to make specific allegations in that regard and follow the procedure prescribed under Section 20(3) of the Act.

In the light of the above noted reasons, the impugned notice, dated 15.06.2012, is set aside. The respondents are, however, left with liberty to follow due process of law as envisaged under Section 20(3) of the Act, if it is found that the petitioners have been carrying on mining operations over reserve forest other than the land in survey Nos.203, 204 and 205 of Chinnanagaram Village.

The Writ Petition is accordingly allowed subject to the above observations.

As a sequel to allowing the writ petition, W.V.M.P.No.108 of 2012 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

06th August, 2015

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