

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.4346 of 2015

ORDER:

Heard learned counsel appearing for the petitioners and learned Government Pleader for Forests appearing for respondents 1 to 3.

This Writ Petition is filed seeking to declare the action of the 1st respondent in threatening to evict the petitioners from the land admeasuring Acs.9.5 in Sy.No.41/1 (old Sy.No.27), T.Kothagudem Village, Pinapaka Mandal, Khammam District, without considering their explanations and without conducting enquiry, as arbitrary and illegal.

Alleging that the petitioners have been doing podu cultivation, which is an offence punishable under Section 20 (i) (C) (ii) (vii) of Andhra Pradesh Forest Act, notices have been issued to them to submit their explanations within 15 days. Notices, according to the respondents, were issued on 21.12.2014.

The version of the petitioners is that notices were served on them only on 02.02.2015 and therefore, they could not submit their explanations at appropriate time. Hence, the present writ petition is filed seeking a direction to the respondents to receive their explanations along with the documents in support of

their claim.

Having regard to the aforesaid facts and circumstances of the case, this Court is of the view that the relief as prayed for can be granted.

Accordingly, the Writ Petition is disposed of at the stage of admission directing the petitioners to submit their explanations along with the documents before the respondent-authorities within a period of one week from the date of receipt of a copy of this order. As and when such explanations are submitted, the respondent-authorities are directed to receive the same and pass appropriate orders thereon. However, the respondents shall not evict the petitioners except in accordance with the procedure established by law. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE R. KANTHA RAO

25th February, 2015
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