

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.38944 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“..to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the inaction of the 3rd respondent in submitting the proposals with specific recommendations to the 2nd respondent along with the information in check slip and uploading information pertaining to the Part-II of the proposals in the Minister's website (www.forestclearance.nic.in) and furnished the attested copy of the acknowledgment slip with the proposals pursuant to the letter of the 2nd respondent dt.14-3-2016 bearing Rc.no.2657/2016/FCA2 and in spite of the approval of the proposal by the 4th respondent, as being illegal, arbitrary and unjust and consequently direct the 3rd respondent herein to forthwith comply with the directions of the 2nd respondent vide letter dt.14-3-2016 bearing Rc.No.2657/2016/FCA2 as expeditiously as possible by fixing reasonable time, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and in the interest of justice.”

[Reproduced verbatim]

2. Heard *Sri Zulfaquar Alam*, learned counsel appearing for the petitioner, and the learned Government Pleader for Forest appearing for the respondents 1 to 3. I have perused the material record.

3. At the hearing, reiterating the pleadings in the writ petition, learned counsel appearing for the petitioner invites the attention of this Court to the proceedings of the Principal Chief Conservator of Forest/ Head of Forest Force, in Rc.No.2657/ 2016/ FCA2 and submits that despite such proceedings, there is inaction on the part of the 3rd respondent in submitting the proposals with specific recommendations to the 2nd respondent along with the information in check slip and also in uploading information pertaining to the Part-II of the

proposals in the Minister's website and in furnishing the attested copy of the acknowledgment slip with proposals pursuant to the letter of the 2nd respondent, dated 14.03.2016, in spite of approval of the proposal by the 4th respondent.

4. Learned Government Pleader, on instructions, would submit that the request of the petitioners cannot be considered as nearby this reserve forest, many agricultural fields are existing in Malkapur village and that there is an unauthorised cart track which is being used by the villagers to reach their agricultural lands since long time back and that the Forest Department is not objecting for the same, since the villagers are using the same since a long time and also at present; and, that if the proposed area is diverted, the forest block will be further got divided into small patches; and that already due to right of way, aforesaid forest area is divided into small bits; and, therefore, further diversion will divide the forest area in to further small bits, and that, therefore, it is not possible to allow any diversion.

5. In reply, learned counsel for the petitioner, would submit that if the representation submitted through online is considered and disposed of by the 3rd respondent, the ends of justice would be met.

6. Learned Government Pleader would submit that the representation submitted by the petitioner online will be considered and disposed of, in accordance with the procedure established by law.

7. Recording the submissions, the Writ Petition is disposed of directing the 3rd respondent to consider and dispose of the representation of the petitioner (submitted through online) in strict accordance with the procedure established by law, however, within four weeks from the date of receipt of a copy of this order; and communicate the decision taken thereon within a week thereof.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. Seetharama Murthi, J

29.11.2017

Note:-
Issue CC by 30.11.2017
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29-11-2017