

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.28935 & 36767 of 2017

COMMON ORDER :

WP.No.28935 of 2017:

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in postponing the auction scheduled on 27.06.2017 for sale of trees in Tatiparti Gram Panchayat in pursuance to the orders of the 2nd respondent dated 22.05.2017 in Roc.No.1433/2017-A7 under the pretext that some petitions were received with regard to age of the trees, etc., though the 5th respondent Forest Department has inspected and submitted the valuation report dated 22.03.2017 in Rc.No.69/2016, as illegal and arbitrary and for a consequential direction to the respondents to forthwith conduct the auction of sale of trees.

WP.No.36767 of 2017:

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in trying to conduct auction of the Nallathumma trees and Dirisimma trees of Nallapalem Cheruvu (tank) in Sy.No.116 to an extent of Ac.171.60 cents, situated at Thatiparthi Village, Podalakuru Mandal, SPSR Nellore District, without taking into consideration the representation of the petitioners dated 22.09.2017, without any Panchayat Resolution, without convening any meeting, as illegal and arbitrary and for a consequential direction to the respondents to dispose of the representation dated 22.09.2017.

The grievance of the petitioners in the first writ petition is that in pursuance to the representations made by the petitioners in WP.No.36767/25017, the District Panchayat Officer has addressed a letter dated 7.07.2017 to the Divisional Forest Officer, to find out whether the subject trees are ripened for cutting, so as to auction the same. In pursuance to the same second writ petition i.e. WP.No.36767 of 2017 is filed challenging the action of the respondents in trying to conduct auction of the subject trees without taking their representations into consideration.

Learned counsel for the petitioners in WP.No.36767/2017 submits that though trees are not ripened for cutting, Gram Panchayat is trying to auction the same by cutting and that a letter was also addressed by the District Panchayat Officer to the Forest Department.

Heard learned Government Pleader for Forests.

Though learned Counsel for the petitioner in WP.No.28935 of 2017 stated that already valuation report is submitted and no further enquiry is required, as resolution is passed in the Grama Sabha saying that trees can be cut, since already District Panchayat Officer had addressed letter to the Divisional Forest Officer, the Divisional Forest Officer, Nellore is directed to submit report in pursuance to the letter dated 7.07.2017 addressed by the District Panchayat Officer, within a period of three weeks from the date of receipt of a copy of this order. Basing on the same, it is

open for the competent authority to conduct auction, in accordance with law.

With the above direction, both the writ petitions are disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

13.11.2017

Note: issue CC in two days.

B/o.t k.

