

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.39381 OF 2018

ORDER :

This petition is filed for a writ of *Mandamus* declaring the action of the 3rd respondent in issuing notice No.5758/2002/S2, dated 17.08.2017 seeking to take action under Protection of Forest Act, 1980 and Protection of Forest Animals Act, 1972, though the petitioner belongs to Scheduled Tribe Community and leading her life in the forest are as illegal and arbitrary and for a consequential direction to respondents not to interfere with the possession and enjoyment of land admeasuring Ac.3.15 guntas in Sy.No.17/22, situated at Laxmidevipally Village, Bhadradi, Kothagudem District and for a direction to 5th respondent to issue pattedar pass book to the petitioner in respect of the aforesaid land.

Learned counsel for the petitioner submits that the petitioner has been in possession of the subject land for the last thirty years and that the petitioner is having relevant documents in support of her claim.

Learned Government Pleader for Forests submits that all assignments granted illegally, were cancelled by issuing notices and if assignees were not available notices were pasted on the subject lands. She also submits that against the show cause notice, writ petition cannot be entertained; and that as on today, forest department is in possession of the subject land and the said land is already fenced.

But the same is disputed by the learned counsel for the petitioner.

Ordinarily this Court will not interfere at the stage of show cause notice, unless the same is issued without jurisdiction. In view of the aforesaid facts and circumstances, writ petition is disposed of granting liberty to the petitioner to submit explanation to the show cause notice and on such explanation, the competent authority is directed to consider the same in accordance with law. Till explanation is considered by the respondents, *Status quo* obtaining as on today shall be maintained. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending shall stand closed.

01.11.2018
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A.RAJASHEKER REDDY, J