

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 45176 OF 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in disturbing the peaceful possession of the petitioner over the leased area to an extent of 2.000 hectares in Sy.No.474 of Adinapalli Village, Pakala Mandal, Chittoor District, granted under proceedings No.4149/ Q/ 2008, dated 06.04.2009, as illegal and arbitrary.

2) Though various grounds are raised, learned counsel for the petitioner would contend that without following due process of law, the officials of the Forest Department are interfering with the mining process of the petitioner.

3) Learned Government Pleader for Forest, would contend that the land to an extent of 286.96 in Sy.No.474 of Adinapalli Village, was notified under Section 24 of the Andhra Pradesh Forest Act, 1967 vide G.O.Ms.No.6 EFS & T (For.I) Department, dated 29.01.2005. It is his plea that before granting No Objection Certificate to the user agencies, the Geology Department as well as the Revenue Department should have obtained consent from the forest department as to whether the applied area is falling in Reserve Forest Area

or otherwise. But the No Objection Certificate given by the revenue officers clearly indicate that “there is no objection for grant of quarry lease to the applicant on a condition that the applicant should not enter beyond the area applied by her and also in protected area in Sy.No.474, covering an extent of Ac.286.96 cents which has been handed over to Forest Department vide G.O.Ms.No.6, dated 29.01.2005”. He further submits that the authorities might have interfered when the petitioner herein has encroached on to the forest land ie., going beyond the 2.000 hectares of land allotted to him and doing mining operations in the forest land. Having regard to all the circumstances he would contend that it would be just and necessary a joint survey to be conducted by both the Revenue and Forest Department in the presence of the petitioner and thereafter steps shall be taken, if the petitioner has encroached on the forest land.

4) Having regard to the above, the writ petition is disposed of directing the Forest as well as the Revenue Departments, to conduct a joint survey in respect of the land referred to above and thereafter take steps, if the petitioner is found to have encroached on to the forest land or doing operations in the land other than for which the licence has been granted. It is needless to mention that the District Collector shall take necessary steps in this regard. Till such time, any action to be

taken by the authorities should only be in accordance with law.

5) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

13.12.2018
gkv

