

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9758 OF 2019

ORDER:

It is the case where petitioner alleges interference of the 5th respondent in the business activities of the petitioner's firm in Sy.No.312/1/2A of Challasamudram Village, Yellandu Mandal, Bhadradri Kothagudem District.

2. Petitioner asserts that he has been issued licence to do business in the name of SSS Bricks and is having valid GST from the Government of India vide GST.No.36BGPPBB 2365 DIZL and that the mining authority has also issued license on 02.04.2019 by the Director of Mines and Geology, Kothagudem to conduct the above brick work in the above said land. Petitioner also asserts that Singareni Collieries Company Limited is also supplying coal to the petitioner's unit to do business and Telangana State Northern Power Distribution Limited issued a valid electricity connection.

3. While so, on 22.04.2019, the respondent authorities without issuing notice and without conducting enquiry stopped business activities of the petitioner alleging that the petitioner's unit comes under the Forest Range Area.

4. Learned Government Pleader for Forests placed on record the written instructions from the District Forest Officer, Bhadradri Kothagudem, which read as under:

“.....the petitioner is doing brick making in the notified reserve forest land in Ac.5.24 cents (2.12Ha) failing in Compartment No.55 of Yellandu RF of Madharam Beat of Yellandu Range illegally. Copy of the Gazette notification of Yellandu RF, Location Map of the suit land duly super imposing on the Yellandu Block Map are enclosed for kind perusal. The 5th respondent has enquired into the issue after the Forest Beat Officer has informed me about the issue. On my enquiry it is learned that the Petitioner has caused destruction of the forest and started non forestry work which is violation of provisions of telangana Forest Act, 1967 and FC Act, 1980. The Petitioner has filed a WP before the Hon'ble Court with an ulterior motive to grab the Forest land by misrepresenting the facts and under the guise of the misleading facts of writ petition aims to obtain interim orders and to further encroach upon the forest land situated in compartment No.55, Yellandu Forest Block.”

5. Learned Government Pleader places on record the map which shows that the brick manufacturing unit of the petitioner is located in the middle of the Reserve Forest Area. He also would submit that the entire extent of the land in Sy.No.312 is Ac.7950 and there is no scope for any revenue land being there in the said survey number.

5. In those circumstances, having regard to the respective submissions, as there is a dispute with respect to the location of the land which the petitioner is claiming, is being within the Reserve Forest Area and considering the fact that the petitioner was also issued pattadar passbook in respect of the subject land, the respondent No.3 and 4 shall enquire into the matter and ascertain whether there is any revenue land left which is not included in the notified Reserve Forest

Area in Sy.No.312. The said enquiry shall be based on the records available with the respective departments. The 2nd respondent/District Collector shall ensure that the respondents 3 and 4 shall complete the exercise of enquiry within four weeks from the date of receipt of copy of this order. Likewise, the respondents 3 and 4 shall take necessary steps to complete enquiry and in the process if need arises, the petitioner shall be put on notice.

6. Since it is the assertion of the respondents that the brick manufacturing unit of the petitioner is located in the middle of the Reserve Forest Area, petitioner shall not carryout any operations till the respondents 3 and 4 complete the enquiry. With regard to the bricks already manufactured, it is made clear that the petitioner shall be allowed to cart away the same.

7. Writ Petition is accordingly disposed of. No order as to costs.

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

CHALLA KODANDA RAM, J

Date: 30.04.2019.
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THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM



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Dated : 30.04.2019

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