

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.29070 OF 2019

ORDER:

Being aggrieved by the order of rejection of the appeal filed by the 3rd respondent in Rc. No.1220/2019/M4 dated 30.11.2019 against the issue of Form "E" dated 05.07.2019 for offence in file No.07/C/OR//FROCPL/2019-20 dated 24.06.2019 of the 4th respondent, the present writ petition is filed on the ground that the order of the 3rd respondent is arbitrary, illegal and in violation of principles of natural justice.

Heard Sri G. Raman Goud, learned Counsel for the petitioner and learned Government Pleader for Forests.

A perusal of the order dated 30.11.2019, passed by the 3rd respondent shows that the said order came to be passed upon calling for the remarks from the 4th respondent against whose proceeding the said appeal has been filed. The impugned order however does not indicate as to whether an opportunity of hearing has been granted to the petitioner before the said order came to be passed. Further, the order also does not reflect that various grounds taken by the petitioner having been considered.

It is contended by the learned counsel for the petitioner that he has filed the appeal seeking for reduction of the compounding fee levied by the 4th respondent. While the learned Government Pleader submits that the compounding fee levied by the authority is the minimum, which is prescribed under the Rules and there cannot be any reduction.

Having regard to the fact that since the impugned order is passed without affording an opportunity of hearing and without expressing any view on the merits of the matter, the order dated 30.11.2019 of the 3rd respondent herein is set aside and the matter is remitted back to the said authority to consider the appeal filed by the petitioner under Rule 10(1) of the Telangana Forest Offences (Compounding and Prosecution) Rules, 1969, afresh within a period of two weeks from the date of receipt of a copy of this order, after affording an opportunity to the petitioner.

Subject to the above, the Writ Petition is disposed of. No order as to costs.

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

T. VINOD KUMAR, J

Date: 31.12.2019.

MRKR