

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.3821 OF 2020

ORDER:

Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader appearing for the respondents.

2. The prayer sought in the writ petition is as under:

'For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction particularly one in the nature of Mandamus, declaring the action of the Respondents herein particularly 4th respondent in issuing letter No.10/2019/Bayyaram dt.26.12.2019 is illegal, arbitrary, unreasonableness, violative of principles of natural justice and also violative of Articles 14, 21, 300-A of the Constitution of India and consequently direct the respondents herein not to interfere with the petitioners peaceful possession and enjoyment of the land in Sy.No.453 of Dharmapuram village, Garlabayyaram (Bayyaram) Mandal, Mahabubabad District pending disposal of the above writ petition and pass such other order or orders as are deemed fit and proper in the circumstances of the case.'

3. Learned counsel appearing for the petitioner submits that the respondents have issued a show-cause notice in letter No.10/2019/Bayyaram dated 04.12.2018 to the petitioner stating that the petitioner is involving in the manufacture of bricks in the reserve forest, which is against the provisions of the Forest Act, 1967, Forest Protection Act, 1980 and Forest Animals Protection, 1972. Learned counsel further submits that pursuant to the said show-cause notice, the petitioner has submitted an explanation dated 02.03.2019. However, the respondents without considering his explanation and passing any orders, once again issued another show-cause notice, vide No.10/2019/Bayyaram dated 26.12.2019. He also submits that the said action of the respondents in issuing second show-cause notice, without passing any orders on the first

show-cause notice to which an explanation is submitted, is arbitrary and illegal.

4. Having heard both the counsel and perusal of the material on record, this Court is of the opinion that a direction to the respondents to consider the explanation given by the petitioner and pass appropriate orders, would meet the ends of justice.

5. Accordingly, the writ petition is disposed of directing the respondents to consider the explanation/legal notice, dated 02.03.2019, submitted by the petitioner pursuant to the show-cause notice dated 04.12.2019 and pass appropriate final orders, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Till the final orders are passed, the respondents are directed not to take any coercive steps. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

JUSTICE P.KESHAVA RAO

Date: 24.02.2020

PGS