

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.4109 of 2020

ORDER:

Heard learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondent Nos.1, 4 to 6.

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

"... the Hon'ble Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the 6th respondent in issuing notice dated 24-07-2019 and interfering with the possession of the petitioners house property bearing No.5-1-10312C situated at Mutyalammanagar village, Munuguru Mandal Bhadradi Kothagudem District is highly arbitrary bad and illegal and pass such other order or orders as deem fit and proper."

3. Learned counsel for the petitioner submits that the impugned proceedings/notice dated 24.07.2019 is issued without considering the basic fact that several houses are existing in and around the subject property and therefore, treating the subject property as reserved forest land does not arise.

4. From a perusal of the impugned notice dated 24.07.2019, issued under Section 20 of the Forest Act, 1967, it is evident that it is in the form of a show cause notice, since the petitioner was directed to be present before the respondent No.6 within fifteen (15) days from the date of receipt of the notice along with proof of land documents, approved documents from the Revenue department. If the petitioner failed to submit any explanation along with the necessary and relevant documents, it would be construed that the petitioner would be treated as an illegal encroacher occupying the forest land and further steps would be taken as per the provisions of the Forest Act.

5. It is further revealed from the impugned notice that opportunity has been given to the petitioner to submit an explanation along with the documents. Therefore, at any stretch of imagination, it cannot be treated as a final notice. Therefore, the writ petition, as filed, is not maintainable and the same is liable to be closed.

Accordingly, the writ petition is closed giving liberty to the petitioner to submit an explanation along with the necessary documents to the impugned notice dated 24.07.2019 within two (2) weeks from today. Thereupon, the respondent No.6 is directed to consider the same and pass appropriate orders as per law within four (4) weeks thereafter. Till the final orders are passed, the respondent No.6 is directed not to take any coercive steps.

As a sequel thereto, pending miscellaneous petitions, if any, shall stand dismissed. There shall be no order as to costs.

P. KESHAVA RAO, J

February 26, 2020
Note: Issue CC today
(B/o) DSK