

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO: 6663 OF 2020

Between:

Sree Suprabhath Estate Developers, A Partnership Firm, Situated at 401, Vaishnavi Apartments, SBH Colony, Kothapet, Hyderabad, Telangana, Represented by its Managing Partner, Sri. G. Chandrasekhar Rao, S/o, Subba Raju.

...PETITIONER

AND

1. The State of TELANGANA, Rep. by its Principle Chief Conservator, Ministry of Forest and Environment, Aranya Bhavan, Saifabad, HYDERABAD, Telangana State.
2. The District Forest Officer, Ranga Reddy District, Aranya Bhavan, Saifabad, HYDERABAD, Telangana State.
3. The Forest Range Officer, Amangal Range, Amangal, Ranga Reddy District, Telangana State.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ, declaring the action of the 3rd Respondent in continuing the construction activity by encroaching the land of the Petitioner Firm and without considering the representation dated 20-03-2020 without any enquiry of the documents submitted and without giving any opportunity of personal hearing and without following due process of law and there by trying to disposes the Petitioner Firm from its lawful possession of the Petition Schedule Property is illegal, arbitrary, unjust and contrary to law and violative of principles of natural Justice while consequently direct the Respondents to follow the due process of law

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents not to proceed further with the construction activity which is in progress at the Petition Schedule Property until pending disposal of the main writ petition in the interest of justice,

Counsel for the Petitioner: SMT. ALMAS BEGUM MOHAMMED

Counsel for the Respondents: GP FOR FORESTS

The Court made the following:

ORDER:

Heard learned counsel for the petitioner as well as learned Government Pleader for Forests.

This Writ Petition is filed seeking a *mandamus* to declare the action of the 3rd respondent in continuing the construction activity by encroaching the land of the petitioner firm, without considering the representation dated 20.03.2020, thereby trying to dispossess the petitioner from its lawful possession of the petition schedule property, as illegal.

The allegation of the petitioner is that the respondents, in the guise of fencing the forest land, are encroaching into its land, wherein a lay-out was prepared, with their very approval.

On the other hand, the learned Government Pleader, on instructions, submits that fencing is carried out within the well-defined forest area with the boundaries demarcated and that the allegation of encroachment into the petitioner's land is false. According to him, if the petitioner had shown in their lay out, either by mistake or by design, the forest area, the forest authorities are not responsible for the same. However, the learned Government Pleader submits fairly that as the petitioner is said to have submitted the representation on 20.03.2020, the same will be looked into and disposed of within two weeks and once-again re-verification will be done. She would further submit that on account of lock down, no work as such is taken up at this point of time.

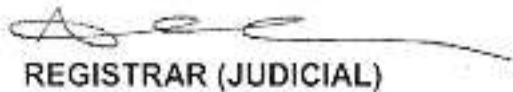
In the light of the fair submission made by the learned Government Pleader, the Writ Petition is disposed of with a direction to the respondent authorities to consider the objection / representation of the petitioner in two weeks' time with respect to fencing, duly giving an opportunity to the

petitioner to be present in the process of verification. Till such time, no further work of fencing towards the petitioner's land shall be taken up. No costs.

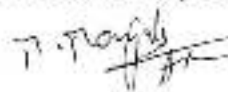
The miscellaneous Applications, if any shall stand closed.

Sd/- SRI JUSTICE CHALLA KODANDA RAM

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REGISTRAR (JUDICIAL)

AR



SECTION OFFICER

To,

1. The Principle Chief Conservator, Ministry of Forest and Environment, State of Telangana Aranya Bhavan, Saifabad, HYDERABAD, Telangana State.
2. The District Forest Officer, Ranga Reddy District, Aranya Bhavan, Saifabad, Hyderabad, Telangana State.
3. The Forest Range Officer, Amangal Range, Amangal, Ranga Reddy District, Telangana State.
4. One CC to Smt. Almas Begum Mohammed Advocate [OPUC]
5. Two CCs to GP for Forests, High Court for the State of Telangana (OUT)
6. Two CD Copies

MBC

HIGH COURT

CKR,J

DATED: 06/05/2020



ORDER

WP.No.6663 of 2020

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS