

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY ,THE FIRST DAY OF JULY
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE NO: 680 OF 2019

**(Contempt Case Under Section 10 to 12 of Contempt of Courts Act to
punish the Respondent herein for, willfully violating, the Order of the High
Court dated 27-02-2019 in I.A. No. 2 of 2019 in W.P. No. 4098 of 2019)**

Between:

1. Raja Rajeshwari Granites, Office at H.No. 2-10-459 Teachers' Colony, Phase-II, Waddepalli, Hanamkonda Rep. by its Partner Vudumula Malakonda Reddy s/o Ram Reddy, age 43 years, r/o H.No. 2-6-857, Housing Board Colony, Hanamkonda Warangal District.
2. Vudumula Malakonda Reddy, s/o Ram Reddy, age 43 years, r/o H.No. 2-6-857, Housing Board Colony, Hanamkonda Warangal District.

...PETITIONERS

AND

Smt. B. Mayuri, Forest Range Officer, Elkathurthy Revenue Mandal in Warangal District.(Urban). Respondent

Counsel for the Petitioner: SRI C. RAMESH SAGAR

Counsel for the Respondent: GP FOR FORESTS (TG)

The Court made the following: ORDER

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No. 680 of 2019

ORDER:

This Contempt Case is filed alleging willful violation of the interim order dated 27.02.2019 in I.A. No. 2 of 2019 in W.P. No. 4098 of 2019, which reads as under:

* There shall be interim injunction restraining respondent Nos. 1 to 5 from interfering in the mining operations being carried out by the petitioners pursuant to the proceedings, dated 19.04.2007 issued by respondents Nos. 8 and 9 for a period of eight weeks.*

The case of the petitioners is that in spite of the judgment of this Court in Writ Petition No.11412 of 2007, dated 30.07.2008, wherein the subject land was held not to be a forest land, the respondent had issued the notice on 25.05.2019 directing them to stop mining operations in Survey No. 496 on the ground that environmental clearance certificate is a must. It is the case of the petitioners that issuance of such notice is a clear violation of the order complained of and ignoring the earlier orders passed by this Court in Writ Petition No. 11412 of 2007.

A counter-affidavit was filed by the respondent stating that the subject land is situated in forest area and the civil societies have been raising objections with respect to carrying out mining operations in the middle of Inuparathigutta proposed forest block and the mining activities are disturbing the texture of the forest. A news item is published in the newspaper and the locals are also making representations to stop blasting activities. This issue was discussed in the District Forest Protection Committee meeting held

by the District Collector, Warangal Urban on 05.12.2019 and thereafter, instructions were issued to submit notification proposals for Inuparathigutta forest block and to conduct joint DGPS survey by forest and revenue departments and the same are in progress. In the meeting conducted in the chambers of the Chief Conservator of Forests, Warangal Circle, the said officer had instructed the District Forest Officer, Warangal to issue notice to stop mining activities in Survey No. 496/1 of Damera Village, Elkathurthy Revenue Mandal and further, taking into consideration the fact that the order dated 27.02.2019 was restricted only for eight weeks, in order to protect the forest, the impugned notice was issued. There is no intention of violation of the orders of this Court, is what is stated in the counter-affidavit.

Learned counsel for the petitioners submits that as a matter of fact, W.P.M.P.No.3 of 2019 was filed on 15.04.2019 itself for extension of interim orders, however, the same was not listed. According to him, the order in W.P.No.11412 of 2007 itself clarified that the subject land is not the forest land. He further states that on oral instructions alleged to have been issued by the Chief Conservator of Forests, the respondent is stated to have issued the notice, but however, no action again could have been taken on oral instructions. It is also the contention of the learned counsel that no specific details of meeting date, etcetera were mentioned.

At the outset, it may be noted that the order dated 27.02.2019 is restricted to eight weeks and admittedly, it is not extended thereafter, though an Application was made by the

petitioners. The notice was issued beyond the period of subsistence of interim order and at any rate, as on the date of issuance of notice, there is no order in favour of the petitioners. The action taken by the respondent cannot be said to be not in good faith, inasmuch as in the counter-affidavit, reference was made to the meeting of the District Collector as well as the meeting with the Chief Conservator of Forests. Though the learned counsel for the petitioners asserts that, on oral instructions, no action should be taken, it cannot be said that in each and every case, written instructions are to be issued to the subordinate officers, as it is the internal arrangement in the department. As long as the action taken is *bona fide* and without any malice, the same cannot be termed as "violation of the orders of this Court", as it is well-settled that violation should be a deliberate act and not otherwise.

In the facts of the present case, this Court does not find any contempt, accordingly, the Contempt Case is dismissed.

Miscellaneous petitions, if any pending, shall stand closed.

SD/-CH.VENKATESWARULU
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. Smt. B. Mayuri, Forest Range Officer, Elkathurthy Revenue Mandal in Warangal District.(Urban).
2. One CC to SRI C. RAMESH SAGAR, Advocate [OPUC]
3. Two CCs to GP For Forests (TG) ,High Court for the State of Telangana. [OUT]
4. Two CD Copies
5. One Spare Copy

kul



HIGH COURT

DATED:01/07/2021

ORDER

CC.No.680 of 2019



DISMISSING THE CONTEMPT CASE

ASD (7)
15/7/2021