

THE HON'BLE SRI JUSTICE K.G.SHANKAR

WRIT PETITION No.15500 of 2012

ORDER:

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On 23.05.2012, the learned Assistant Government Pleader for Mines and Geology was directed to file counter-affidavit. Counter-affidavit is not filed by respondent Nos.1, 3 and 4.

Learned Government Pleader appearing for respondent Nos.1,3 and 4 is present and submitted that since the Government claimed the property as forest land, it is not possible for the Department of Mines and Geology to issue licence for quarrying.

Learned counsel for the petitioner submitted that the property in question is 'Adavi', which is Unassessed Waste Dry (UAW) and it is not forest land, so much so, licence for quarrying cannot be denied on the ground that the property in dispute is forest land. He referred to the order of the Government in proceedings No.11004/R5-1/2007, dated 17.09.2009, relating to the same survey number allotting licence to quarry.

A learned Single Judge of this Court in W.P.No.10345 of 2005 and batch, held as follows:

"In my considered opinion, to fall within the ambit of the orders of the Supreme Court either the land must be a notified forest land or at least recorded as 'forest' in the relevant records. While it is the case of the respondents that the leased property is neither notified as a reserve forest nor classified as forest in any record, it is the common case that it is classified as "Adavi Poramboke". Though the word 'Adavi' means forest in Telugu, the land is not merely classified as 'Adavi', but the word 'Poramboke' is suffixed to the said word, which means a waste land. This word itself suggests that no forest growth

exists on the land; otherwise, the land would have been classified as 'Forest' and not as forest poraboke. In his counter, as noted above, respondent No.3 himself explained how this word is derived from the name of the village 'Adavibajanawada'."

Thus, it is evident that "Adavi Poramboke" is not equivalent to the forest land, but it is Unassessed Waste land. It would appear that the only ground on which the petitioner was denied licence is that he is seeking licence in respect of forest land.

In the light of the earlier orders of Government in proceedings No.11004/R5-1/2007, dated 17.09.2009, evidently, the land in dispute is not forest land because of which licence was granted by the Mines and Geology Department. The petitioner stands on the same footing. I accordingly hope that the disputed property is not forest land.

Therefore, the writ petition is disposed of directing the respondents to consider the case of the petitioner for grant of licence treating that the land in respect of which licence was sought is not forest land. There shall be no order as to costs.

The miscellaneous petition filed in this writ petition also stands disposed of.

K.G.SHANKAR,J

Dt:30.05.2012.

Note: Issue c.c. in three days.
(B/o)
kdl/ksld

