

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT

-
Public Interest Litigation No.188 of 2015

Date: 31.8.2015

Between:

Mandava Srinivas,
Chillakallu,
Krishna District.

Petitioner

And

The State of Andhra Pradesh,
Represented by the Principal Secretary to Government,
Revenue Department,
Hyderabad and others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
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Public Interest Litigation No.188 of 2015

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PC: (Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

Petitioner in the instant Public Interest Litigation seeks the following reliefs:

“A) To declare the action of the respondents in contemplating to denotify the reserve forest land situated in Sy.

No. 124 of Ravirala Village, Jaggaiahpet Mandal, Krishna District for laying connecting road from sand reach to Vedadri road as illegal, arbitrary and in gross violation of the law laid down by the Hon'ble Supreme Court of India..

B) Consequently, to direct the respondents not to denotify the reserve forest land situated in Sy. No. 124 of Ravirala Village, Jaggaiahpet Mandal, Krishna District for laying connecting road from sand reach to Vedadri road and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The 4th respondent has filed counter affidavit and in paragraph-4 thereof, he has specifically stated that they have dropped the proposal to construct road due to the procedural formalities required to be followed. Paragraph-4 of the counter affidavit reads thus:

“It is further humbly submitted that while enclosing a copy of affidavit of the PIL No. 188 of 2015, the Divisional Forest Officer, Vijayawada has been requested to get the alternative connecting road laid for making the reach operational verified and give a report as to whether the road laid is passing through any Reserve Forest land vide letter Rc. No.679/Sand/2015, Dt. 02-08-2015. In reply to the letter Dt. 02-08-2015, the Divisional Forest Officer, Krishna Division, Vijayawada has submitted a report stating that,

as per the Geo-coordinates plotted in the alternative proposed connecting road, it is found that the proposed road is outside the Jaggaiahpeta Reserve Forest boundaries through letter Rc. No. 722/2015/TO, Dt. 13-08-2015.

In view of the above, it is respectfully submitted that though initially a connecting road was planned through the reserve forest area, it was dropped due to the procedural formalities involved in the issue and the resultant delays that would likely to occur in the commencement of the reach.

Hence, an alternative connecting road has been planned and reach was brought into operation without passing through the reserve forest land. The contentions contra are untrue and hereby denied. The allegations contra are untenable. The petitioner is not entitled to grant any relief. There are no merits whatsoever warranting the interference of this Hon'ble Court under Art.226 of the Constitution of India."

In view of the statement made on affidavit, learned counsel for the petitioner does not press this petition.

The Public Interest Litigation is accordingly disposed of.

On 27.7.2015, we have directed the petitioner to deposit Rs.50,000/- (Rupees Fifty Thousand Only) to show his bona fides. Accordingly, the amount was deposited.

In view of disposal of the P.I.L. as indicated above, we direct the registry to return the D.D. or refund the amount of Rs.50,000/- to the petitioner forthwith.

Consequently, pending miscellaneous applications shall also stand closed.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

31st August, 2015

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