

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

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER TWO THOUSAND AND  
TWENTY ONE

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI SATISH CHANDRA SHARMA  
AND  
THE HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.(PIL) NO: 189 OF 2020

Between:

Vempati Ganga Prasad, S/o.Late Vempati Madhusudhan

Petitioner

AND

1. Union of India, Rep. by its Secretary, Ministry of Environment, Forest and Climate Change, Indira Pariyavaran Bhavan, Jorbagh Road, New Delhi.
  2. The State of Telangana, Rep. by its Principal Secretary, Forest Department, Secretariat, Hyderabad.
  3. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
  4. The State of Telangana, Rep. by its Principal Secretary, Mines and Geology Department, Secretariat, Hyderabad.
  5. The State of Telanana, Rep. by its Principal Secretary, Housing Department, Secretariat, Hyderabad.
  6. The State of Telangana, Rep. by its Principal Secretary, Home Department, Police Battalion Section, Hyderabad.
  7. The Central Pollution Control Board of India, Rep. by its Member Secretary, East Arjun Nagar, New Delhi.
  8. Telangana State Pollution Control Board, Rep. by its member secretary, A-3, Industrial Estate, Sanath Nagar, Hyderabad.
  9. The Principal Chief Conservator, Ministry of Environment and Forest Department, Aranya Bhavan, Saifabad, Hyderabad.
  10. The Conservator of Forest, Warangal Division, Warangal District.
  11. The District Forest Officer, Forest Department, Jayashankar Bhupalpally District.
  12. The District Collector, Jayashankar Bhupalpally District.
  13. The District Panchayath Officer, Panchayath Raj Department, Jayashankar Bhupalpally District.
  14. The Deputy Executive Engineer, Panchayat Raj (Housing), Jayashankar Bhupalpally District
  15. The Assistant Executive Engineer, Panchayat Raj (Housing) Ghanpur (Mulugu) Mandal, Jayashankar Bhupalpally District.
  16. The Assistant Director, Mines and Geology Department, Jayashankar Bhupalpally District.
  17. The Tahsildar, Ghanpur (Mulugu) Mandal, Ghanpur, Jayashankar Bhupalpally District.
  18. Mylaram Gram Panchayath, Rep. by its Panchayat Secretary, Mylaram Village, Ghanpur (Mulugu) Mandal, Jayashankar Bhupalpally Dist,
  19. Gandhi Nagar Grama Panchayath, Rep. by its Panchayat Secretary Gandhi Nagar Village, Ghanpur (Mulugu) Mandal, Jayashankar Bhupalpally District.
  20. Telangana State, Tourism Department Rep.by its chairmen and Managing Director At Hyderabad.
  21. Kakatiya University, Rep. by its Registrar, Warangal 506 009.
  22. The Registrar Administration, High Court of Telangana At Hyderabad.
- (R1 C.T. is amended as per Court order dt. 25/08/21 vide I.A.No.1 & 3 of 2021)  
(R. 5 to 7 & 14 and 9, 10 are deleted from the array of respondents as per court order dt. 25-08-2021 in I.A.Nos. 2 and 4 respectively)

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, declaring the illegal alienation of Hillock/Forest Land in Sy.Nos.204/1, 205/1, 54 & 55 situated in between Gandhi Nagar and Mylaram Villages i.e., right side of PWD road of Parkal to Bhupallapally Mahadevpur Road in an extent of 110 acres (44.53 hectrs) and Ac.140.00 (56.58 hctrs) totally to an extent of 250 acres (101.21 hectrs) of Ghanpur (Mulugu) Mandal, Jayashankar Bhupallapally District in favour of various organizations/statutory bodies of the State Government including in favour of the district court for construction of buildings/complexes and illegal mining leases by felling down the trees and shrubs by causing deforestation of forest land under the guise of developmental activities is as being arbitrary, illegal, contrary to the laws made for the protection forest and in particular the Forest Conservation Act, 1980

- i. Consequently direct the respondent No.2 to 6, 12 to cancel the allotment/alienation of the subject land in favour of various organizations/statutory bodies of the State Government including in favour of the district court for construction of buildings/complexes and illegal mining leases by felling down the trees and shrubs causing deforestation of forest land;
- ii. Direct the respondent No.1, 9, 10, 11 and 12 to notify the subject Hillock/Forest Land in Sy.Nos.204/1, 205/1, 54 and 55 situated in between Gandhi Nagar and Mylaram Villages, Ghanpur (Mulugu) Mandal, Jayashankar Bhupallapally District as forest land by issuing a notification in gazette published by Union of India Ministry of Environment, Forest and Climate Change.

**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 respondent No.2 to 6, 12 herein to keep the allotments/alienations in abeyance and restrain them not to proceed with the construction/developmental activity including the illegal mining over the subject Hillock/Forest Land in Sy.Nos.204/1, 205/1, 54 and 55 situated in between Gandhi Nagar and Mylaram Villages i.e., right side of PWD road of Parkal to Bhupallapally - Mahadevpur Road in an extent of 110 acres (44.53 hectrs) and Ac.140.00 (56.58 hctrs) totally to an extent of 250 acres (101.21 hectrs) of Ghanpur (Mulugu) Mandal, Jayashankar Bhupallapally District pending disposal of WP(PIL) 189 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri M GOVIND REDDY, Advocate for the Petitioner, Sri N. Rajeshwar Rao, Asst. Sol. Gen. for the respondent No.1, GP for Forest, for the Respondent Nos.2 & 10 & 11, GP for Revenue for the Respondent NO.3, 12 and 17, GP for Mines & Geology, for the Respondent NO.4 and 16, GP for Housing Department, for the Respondent No. 15, GP for Home, for the Respondent No.6, for the Respondent(s) and the Court made the following.

**ORDER:**

**Learned counsel for Union of India prays for four weeks time to file counter affidavit.**

**Respondent No.2 – Forest Department through Principal Secretary shall carry out a detailed survey of the entire area, which is the subject matter of the writ petition, and shall file a survey report indicating the number of trees, the nature of the trees over the land in question.**

**It is needless to mention that till the next date of hearing, no felling of trees shall take place in respect of the entire area.**

**List the matter on 01-12-2021.**

**Sd/- I. NAGA LAKSHMI  
ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

To,

1. The Secretary, Union of India, Ministry of Environment, Forest and Climate Change, Indira Pariyavaran Bhavan, Jorbagh Road, New Delhi.
2. The Principal Secretary, Forest Department, State of Telangana, Secretariat, Hyderabad.
3. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
4. The Principal Secretary, Mines and Geology Department, State of Telangana, Secretariat, Hyderabad.
5. The Member Secretary, Telangana State Pollution Control Board, A-3, Industrial Estate, Sanath Nagar, Hyderabad.
6. The District Forest Officer, Forest Department, Jayashankar Bhupalpally District.
7. The District Collector, Jayashankar Bhupalpally District.
8. The District Panchayath Officer, Panchayath Raj Department, Jayashankar Bhupalpally District.
9. The Assistant Executive Engineer, Panchayat Raj (Housing) Ghanpur (Mulugu) Mandal, Jayashankar Bhupalpally District.
10. The Assistant Director, Mines and Geology Department, Jayashankar Bhupalpally District.
11. The Tahsildar, Ghanpur (Mulugu) Mandal, Ghanpur, Jayashankar Bhupalpally District.
12. The Panchayat Secretary, Mylaram Gram Panchayath, Mylaram Village, Ghanpur (Mulugu) Mandal, Jayashankar Bhupalpally Dist.
13. The Panchayat Secretary, Gandhi Nagar Grama Panchayath, Gandhi Nagar Village, Ghanpur (Mulugu) Mandal, Jayashankar Bhupalpally District.
14. The Chairman and Managing Director, Telangana State, Tourism Department At Hyderabad.
15. The Registrar, Kakatiya University, Warangal 506 009. (1 to 15 BY RPAD)
16. The Registrar Administration, High Court of Telangana At Hyderabad. (by Spl. Messenger))
17. One CC to SRI M GOVIND REDDY Advocate [OPUC]
18. Two CCs to GP for Forest, High Court at Hyderabad. (OUT)
19. Two CCs to GP for Revenue, High Court at Hyderabad. (OUT)
20. Two CCs to GP for Mines & Geology, High Court at Hyderabad. (OUT)
21. Two CCs to GP for Housing Department, High Court at Hyderabad. (OUT)
22. Two CCs to GP for Home, High Court at Hyderabad. (OUT)
23. Two spare copies

mvj

**HIGH COURT**

**HCJ & ARRJ**

**DATED:27/10/2021**

**LIST THE MATTER ON 01-12-2021**

**ORDER**

**WP(PIL).No.189 of 2020**

**DIRECTION**

