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A.J. Peter Vs. Conservator of Forests, Ananthapur and Others

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Court : Andhra Pradesh

Decided On : Aug-06-1998

Reported in : 1999(2)ALD268; 1999(1)ALT382

Judge : G. Bikshapathy, J.

Acts : Andhra Pradesh Forest Act, 1967 - Sections 35

Appeal No. : WP No. 19583 of 1998

Appellant : A.J. Peter

Respondent : Conservator of Forests, Ananthapur and Others

Advocate for Def. : Government Pleader for Forests

Advocate for Pet/Ap. : Mr. P.S. Narayana, Adv.

Judgement :
ORDER

1. The writ petition is filed assailing the action of the respondents in refusing to renew the licence for possession of Red Sanders and also for declaring the action of the authorities in imposing penalty and forfeiting the security deposit amounts from time to time.

2. It is the case of the petitioner that the 4th respondent is prejudiced towards him and for that purpose, he has been passing all illegal orders forfeiting the various

amounts for the last several years against which he has been making representations to the higher authorities but no action has been taken so far. Further, the 4th respondent has also seized certain red sanders on 5-3-1998 pending renewal application and after seizing the red sanders, the renewal application was rejected and therefore, the action of the 4th respondent in rejecting the application is only mala fide and coupled with extraneous consideration. Hence, the petitioner submits that the action of the 4th respondent should be declared as illegal and void besides being without jurisdiction.

3. Even though notice was issued, the Government Pleader has not been able to assist the Court. But, however, looking into the facts of the case, this Court feels that it is a case where the petitioner should approach the appropriate appellate authority under the A.P. Forest Act for redressal of his grievance. Though the learned Counsel for the petitioner made an earnest attempt to convince this Court that the 4th respondent was seriously prejudiced against him and no appreciable result would come if the petitioner approaches the appellate authority, I am not inclined to accept this contention as the appellate authority is bound to consider the matter with reference to the legal provisions without reference to the alleged personal grudge of the 4th respondent.

4. Under these circumstances, the writ petition is disposed of with a direction that the petitioner may approach the appropriate appellate authority challenging the impugned orders and the actions of the 4th respondent. The petitioner is granted four weeks time from-to-day to take appropriate steps. No costs.

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