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HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Reserved on : 06.05.2026

Order Delivered on : 06.07.2026

WPC No. 466 of 2026

- 1 - Royal Traders, Through Its Proprietor Mohan Patel S/o Kanjee Bhai Patel, Aged About 54 Years, R/o Village Khuteri- Somni, District - Rajnandgaon, Chhattisgarh.**
- 2 - Agrawal Saw Mill, Through Its Proprietor Pramod Kumar Agrwal, S/o Mohan Lal Agrawal, Aged About 55 Years, R/o Village Asra, Tehsil Dongargaon, District - Rajnandgaon, Chhattisgarh.**
- 3 - Khetani Boards, Through Hari Bhai Patel, S/o Jetha Bhai Patel, Aged About 64 Years, R/o Shankara, Post- Somni , District - Rajnandgaon, Chhattisgarh.**
- 4 - Patel Saw Mill, Proprietor Govind Bhai Patel (Dead) Through Legal Kamlesh Patel, S/o Late Govind Bhai Patel, Aged About 39 Years, R/o Village Somni , District - Rajnandgaon, Chhattisgarh.**
- 5 - Subhashchand Jain Saw Mill, Through Its Proprietor Subhashchand Jain, S/o Khemraj Jain, Aged About 75 Years, R/o Village Arjuni, Tahsil Dongargaon, District - Rajnandgaon, Chhattisgarh.**
- 6 - Abdul Khaliq Saw Mill, Through Its Proprietor Mohd. Farooq S/o**

Abdul Khaliq, Aged About 54 Years, R/o Village Gopalpur, Post Ghumka, District - Rajnandgaon, Chhattisgarh.

7 - Ramdev Saw Mill, Through Its Proprietor Sahilesh Kumar Jain, S/o Sari Fatte Lal Jain, Aged About 54 Years, R/o Village Tumdibod, Tehsil Dongargaon, District - Rajnandgaon, Chhattisgarh.

8 - Ashok Saw Mill, Through Its Proprietor Ashok Verma, S/o Diwdayal Verma, Aged About 55 Years, R/o Village Ghumka, District - Rajnandgaon, Chhattisgarh.

9 - Radheshyam Saw Mill, Through Its Proprietor Radheshyam, S/o Late Hari Das, Aged About 51 Years, R/o Village Telai, Post Padumtala, District - Rajnandgaon, Chhattisgarh.

10 - Kaushila Bai And Shankar Lal Saw Mill, Through Proprietor Shankar Lal, S/o Ghurwara, Aged About 42 Years, R/o Village Tumdibod, Tehsil- Dongargaon, District - Rajnandgaon, Chhattisgarh.

11 - Someshwar Kumar Verma, S/o Heeraram Verma Aged About 58 Years R/o Village Ramatola Tehsil Dongargarh, District Rajnandgaon Chhattisgarh.

12 - S.S.D. Saw Mill, Through Its Proprietor Hundraj Mankani S/o Sajan Das Mankani, Aged About 55 Years, R/o Village Tilai, District Rajnandgaon, Chhattisgarh.

13 - Rajaram Saw Mill, Through Its Proprietor Radhelal (D) Through Its Lrs. Gomati Bai W/o Radhelal Age About 62 Years, R/o Village Rupakathi, Khursipar Tehsil Dongargaon, District- Rajnandgaon, Chhattisgarh.

14 - Dubey Saw Mill, Through Its Proprietor Mithilesh S/o Radhe Lal

Dubey, Aged About 66 Years, R/o Gendatola, District- Rajnandgaon, Chhattisgarh.

15 - Kaikeyi Bai Saw Mill, Through Its Proprietor Kaikeyi Bai, W/o Dindayal Verma, Aged About 66 Years, R/o Village Ghumka, District- Rajnandgaon, Chhattisgarh.

16 - Ismile Saw Mill, Through Its Proprietor Mohd. Ismile S/o Suleman Bhai, Aged About 74 Years, R/o Village Gendatola, District- Rajnandgaon, Chhattisgarh.

17 - Govind Saw Mill, Through Its Proprietor Kali Bai Sahu, W/o Late Govind Lal Sahu, Aged About 65 Years, R/o Village Arjuni, District- Rajnandgaon, Chhattisgarh.

18 - Kanwar Saw Mill, Through Its Proprietor Banware Ram, S/o Ramdayal Kanwar Aged About 75 Years, R/o Village Deokatta, Tehsil Dongargarh, District- Rajnandgaon, Chhattisgarh.

--- Petitioners

Versus

1 - Union Of India Ministry of Environment Forest and Climate Change Through Its Secretary, New Delhi.

2 - State Of Chhattisgarh Through Its Secretary, Department Of Forest And Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh.

3 - Principal Chief Conservator Of Forest Chhattisgarh Aranya Bhawan Sector-19, North Block, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh.

4 - State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Sector-19, North Block, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh.

5 - Divisional Forest Officer-Cum-Licensing Authority District Rajnandgaon, Chhattisgarh.

--- Respondents

WPC No. 2047 of 2026

Chandrakar Saw Mill Through Its Proprietor - Levendra Kumar Chandrakar S/o Late Onkar Prasad Chandrakar Aged About 59 Years R/o Village- Sankara Bangla, Post- Karhibadar, Tehsil And District- Balod, (C.G.)

---Petitioner

Versus

1 - Union Of India Ministry Of Environment Forest And Climate Change Through Its Secretary, New Delhi

2 - State Of Chhattisgarh Through Its Secretary, Department Of Forest And Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh

3 - Principal Chief Conservator Of Forest Chhattisgarh Aranya Bhawan Sector 19, North Block, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh

4 - State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Sector- 19, North Block, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh

5 - Divisional Forest Officer-Cum Licensing Authority District Balod, Chhattisgarh

--- Respondents

WPC No. 745 of 2026

Shailesh Kumar Agrawal S/o Late Ashok Kumar Agrawal Aged About 38 Years Address Village Kuthraud, Post - Hirmi, District Balodabazar-Bhathapara, Chhattisgarh

---Petitioner

Versus

1 - Union Of India Ministry Of Environment Forest And Climate Change Through Its Secretary, New Delhi

2 - State Of Chhattisgarh Through Its Secretary, Department Of Forest And Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh

3 - Principal Chief Conservator Of Forest Chhattisgarh, Aranya Bhawan Sector-19, North Block, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh

4 - State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Sector-19, North Block, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh

5 - Divisional Forest Officer-Cum-Licensing Authority District Baloda Bazar-Bhatapara Chhattisgarh

--- Respondents

WPC No. 984 of 2026

Radheyshyam Sahu S/o Shri Punarad Ram Sahu Aged About 72 Years
 Proprietor Of Radheyshyam Saw Mill, R/o Village Chord Karsil, Tehsil-
 Magarlod And Distt.- Dhamtari (C.G.)

---Petitioner

Versus

1 - Union Of India Ministry of Environment Forest and Climate Change
 Through Its Secretary, New Delhi.

2 - State Of Chhattisgarh Through Its Secretary, Department Of Forest
 And Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur,
 Atal Nagar, Distt.- Raipur (C.G.)

3 - Principal Chief Conservator Of Forest Chhattisgarh, Aranya Bhawan
 Sector-19, North Block, Nawa Raipur, Atal Nagar, Distt.- Raipur (C.G.)

4 - State Level Committee Chhattisgarh Under Wood Based Industries
 Guidelines Through Its Member Secretary, Aranya Bhawan Sector-19,
 North Block, Nawa Raipur, Atal Nagar, Distt.- Raipur (C.G.)

5 - Divisional Forest Officer-Cum-Licencing Authority Dhamtari, Distt.-
 Dhamtari (C.G.)

--- Respondents

WPC No. 496 of 2026

Bhupendra Agrawal S/o Bhagwan Agrawal Aged About 53 Years
 Proprietor Agrawal Saw Mill, Address- Village Lahaud, Tehsil And Dist. -
 Baloda Bazar-Bhatapara, Chhattisgarh

---Petitioner

Versus

1 - Union Of India Ministry Of Environment Forest And Climate Change Through Its Secretary, New Delhi

2 - State Of Chhattisgarh Through Its Secretary, Department Of Forest And Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District : Raipur, Chhattisgarh

3 - Principal Chief Conservator Of Forest Aranya Bhawan Sector-19, North Block, Nawa Raipur, Atal Nagar, District : Raipur, Chhattisgarh

4 - State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Secretary, Aranya Bhawan Sector-19, North Block, Nawa Raipur, Atal Nagar, District : Raipur, Chhattisgarh

5 - Divisional Forest Officer-Cum-Licencing Authority Baloda Bazar, District : Balodabazar-Bhathapara, Chhattisgarh

--- Respondents

WPC No. 497 of 2026

Guljari Lal Sahu S/o Late Dashrath Lal Sahu Aged About 57 Years, Proprietor Agrawal Saw Mill, Address- Village Lahoud, Tehsil And Dist.- Baloda Bazar-Bhatapara, Chhattisgarh

---Petitioner

Versus

1 - Union Of India Aranya Bhawan Sector-19, North Block, Nawa Raipur, Atal Nagar

2 - State Of Chhattisgarh Through Its Secretary, Department Of Forest And Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District : Raipur, Chhattisgarh

3 - Principal Chief Conservator Of Forest, Chhattisgarh, Aranya Bhawan Sector-19, North Block, Nawa Raipur, Atal Nagar, District : Raipur, Chhattisgarh

4 - State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Secretary, Aranya Bhawan Sector-19, North Block, Nawa Raipur, Atal Nagar, District : Raipur, Chhattisgarh

5 - Divisional Forest Officer-Cum-Licencing Authority Baloda Bazar, District : Balodabazar-Bhathapara, Chhattisgarh

--- Respondents

WPC No. 519 of 2026

Sandeep Saw Mill, Through Its Proprietor Krishnanand, S/o Bhola Prasad Agarwal, Aged About 50 Years, Address- Village Bharsoli, The Baloda Bazar, Distt Baloda Bazaar Chhattisgarh.

---Petitioner

Versus

1 - Union Of India Ministry Of Environment Forest And Climate Change Through Its Secretary, New Delhi

2 - State Of Chhattisgarh Through Its Secretary, Department Of Forest And Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Distt. Raipur Chhattisgarh

3 - Principal Chief Conservator Of Forest Chhattisgarh, Aranya Bhawan Sector-19, North Block, Nawa Raipur, Atal Nagar, Distt. Raipur Chhattisgarh

4 - State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Secretary, Aranya Bhawan Sector-19, North Block, Nawa Raipur, Atal Nagar, Distt. Raipur Chhattisgarh

5 - Divisional Forest Officer-Cum-Licensing Authority Baloda Bazar,
Distt. Baloda Bazar-Bhatapara Chhattisgarh

--- Respondents

WPC No. 556 of 2026

Chaitram Dewangan, S/o Shri Ganu Lal Dewangan Aged About 45
Years Address- Village Tulsi Post- Damakheda District- Balodabazar
Bhatapara Chhattisgarh District- Balodabazar-Bhathapara,
Chhattisgarh.

---Petitioner

Versus

1 - Union Of India Ministry Of Environment Forest And Climate Change
Through Its Secretary New Delhi,

2 - State Of Chhattisgarh Through Its Secretary Department Of Forest
And Climate Change Mantralaya Mahanadi Bhawan Nawa Raipur, Atal
Nagar District- Raipur Chhattisgarh

3 - Principal Chief Conservator Of Forest Chhattisgarh Aranya Bhawan
Sector 19, North Block- Nawa Raipur Atal Nagar District- Raipur
Chhattisgarh,

4 - State Level Committee Chhattisgarh Under Wood Based Industries
Guidelines Through Its Member Sector -19 North Block- Nawa Raipur
Atal Nagar District- Raipur Chhattisgarh

5 - Divisional Forest Officer Cum Licensing Authority District- Baloda
Bazar-Bhatapara Chhattisgarh

--- Respondents

WPC No. 574 of 2026

Praveen Patel S/o Ramnik Patel Aged About 38 Years Proprietor
Narayan Saw Mill, Address- Village- Pendri, Tehsil- Bhatapara, District-
Baloda Bazar Bhataparaa Bazar-Bhatapara Chhattisgarh.

---Petitioner

Versus

1 - Union Of India Ministry Of Environment Forest And Climate Change
Through Its Secretary New Delhi.

2 - State Of Chhattisgarh Through Its Secretary Department Of Forest
And Climate Change Mantralaya Mahanadi Bhawan Nawa Raipur Atal
Nagar, District- Raipur Chhattisgarh.

3 - Principal Chief Conservator Of Forest Chhattisgarh Aranya Bhawan
Sector- 19, North Block- Nawa Raipur Atal Nagar, District- Raipur
Chhattisgarh,

4 - State Level Committee Chhattisgarh Under Wood Based Industries
Guidelines Through Its Member Sector -19, North Block- Nawa Raipur,
Atal Nagar District- Raipur Chhattisgarh,

5 - Divisional Forest Officer Cum Licensing Authority District- Baloda
Bazar-Bhatapara Chhattisgarh,

--- Respondents

WPC No. 629 of 2026

Mohammad Aabid Gandhi S/o Md. Yakub Gandhi Aged About 40 Years
Address- Village Pondi, Tehsil Kawardha, District Kabirdham,
Chhattisgarh

---Petitioner

Versus

1 - Union Of India Ministry Of Environment Forest And Climate Change Through Its Secretary, New Delhi.

2 - State Of Chhattisgarh Through Its Secretary, Department Of Forest And Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District : Raipur, Chhattisgarh

3 - Principal Chief Conservator Of Forest Chhattisgarh Aranya Bhawan Sector- 19, North Block, Nawa Raipur, Atal Nagar, District : Raipur, Chhattisgarh

4 - State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Sector- 19, North Block, Nawa Raipur, Atal Nagar, District : Raipur, Chhattisgarh

5 - Divisional Forest Officer-Cum-Licensing Authority District Kabirdham, Chhattisgarh

--- Respondents

WPC No. 633 of 2026

Smt. Bina Ratre, W/o Ograsen Ratre, Aged About 43 Years Proprietor Ratre Saw Mill, Address- Village Balsi, Tehsil Saripali, District Mahasamund (C.G.)

---Petitioner

Versus

1 - Union Of India Ministry Of Environment Forest And Climate Change Through Its Secretary, New Delhi.

2 - State Of Chhattisgarh Through Its Secretary, Department Of Forest And Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur C.G.

3 - Principal Chief Conservator Of Forest Chhattisgarh, Aranya Bhawan Sector-19, North Block, Nawa Raipur, Atal Nagar, District Raipur C.G.

4 - State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Sector-19, North Block, Nawa Raipur, Atal Nagar, District Raipur C.G.

5 - Divisional Forest Officer-Cum-Licensing Authority District Mahasamund C.G.

--- Respondents

WPC No. 634 of 2026

Om Saw Mill, Through Its Proprietor Om Nath Sahu, S/o Late Govind Ram Sahu, Aged About 49 Years, Address- Village Amera, Tehsil Baloda Bazaar, District Balodabazar-Bhathapara, Chhattisgarh

---Petitioner

Versus

1 - Union Of India Ministry Of Environment Forest And Climate Change Through Its Secretary, New Delhi

2 - State Of Chhattisgarh Through Its Secretary, Department Of Forest And Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh

3 - Principal Chief Conservator Of Forest Chhattisgarh Aranya Bhawan Sector- 19, North Block, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh

4 - State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Sector-19, North Block, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh

5 - Divisional Forest Officer-Cum-Licensing Authority District Baloda Bazar-Bhatapara, Chhattisgarh

--- Respondents

WPC No. 432 of 2026

1 - Gurunanak Saw Mill, Through Its Proprietor Ramesh Chandra Mishra S/o Mahadev Prasad Mishra, Aged About 83 Years, R/o Bihreekalaa, Ambagarh Chowki, District Ambagarh Chowki Chhattisgarh

2 - Vyas Narayan Saw Mill, Through Its Proprietor Vyas Narayan S/o Late Pardeshi, Aged About 51 Years, R/o Village Chilhati, Ambagarh Chowki, District Ambagarh Chowki Chhattisgarh

3 - Rajendra Kumar Mishra Saw Mill Village Kotra Through Its Proprietor Rajendra Kumar Mishra (D) Through Its Lrs:-

3(a) - Nitesh Kumar Mishra S/o Naresh Kumar Mishra Aged About 31 Years Caste Brahman, R/o Village Dhadutola, Bandha Bazar, Tehsil Chowki, District Ambagarh Chowki Chhattisgarh

3(b) - Jai Mishra S/o Mukesh Mishra Aged About 19 Years R/o Village Dhadutola, Bandha Bazar, Tehsil Chowki, District Ambagarh Chowki Chhattisgarh

3(c) - Anurag Mishra S/o Mukesh Mishra Aged About 15 Years Through Guardian Mukesh Mishra S/o Rajendra Mishra Aged About 47 Years, R/o Village Dhadutola, Bandha Bazar, Tehsil Chowki, District Rajnandgaon Chhattisgarh

4 - Sahu Saw Mill, Through Its Proprietor Dinesh Kumar Sahu S/o Sant Kumar Sahu, Aged About 49 Years, R/o Village Gunderdehi, Post Bandha Bazaar, Tehsil Ambagarh Chowki, District Ambagarh Chowki Chhattisgarh.

---Petitioners

Versus

1 - Union Of India Ministry Of Environment Forest And Climate Change Through Its Secretary, New Delhi

2 - State Of Chhattisgarh Through Its Secretary, Department Of Forest And Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh

3 - Principal Chief Conservator Of Forest Chhattisgarh, Aranya Bhawan Sector-19, North Block, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh

4 - State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Sector-19, North Block, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh

5 - Divisional Forest Officer-Cum-Licensing Authority District Mohala-Manpur-Ambagarh Chowki, Chhattisgarh

--- Respondents

WPC No. 775 of 2026

Krishi And Saw Mill Through Proprietor Shri Ashok Kumar S/o Gaurishankar Jaiswal, Aged About 67 Years, Address- Village Silheti, Tehsil S. Lohara, District Kabirdham C.G.

---Petitioner

Versus

1 - Union Of India Ministry Of Environment Forest And Climate Change Through Its Secretary, New Delhi.

2 - State Of Chhattisgarh Through Its Secretary, Department Of Forest And Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur C.G.

3 - Principal Chief Conservator Of Forest, Chhattisgarh, Aranya Bhawan Sector-19, North Block, Nawa Raipur, Atal Nagar, District Raipur C.G.

4 - State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Sector-19, North Block, Nawa Raipur, Atal Nagar, District Raipur C.G.

5 - Divisional Forest Officer-Cum-Licensing Authority District Kabirdham C.G.

--- Respondents

WPC No. 768 of 2026

Agrawal Saw Mill, Through Its Proprietor Anil Kumar Agrawal, S/o Shri Ram Gopal Agrawal, Aged About 53 Years, Address- Village Khokhli, Tehsil Bhatapara, District Baloda Bazar Bhatapara C.G.

---Petitioner

Versus

1 - Union Of India Ministry Of Environment Forest And Climate Change Through Its Secretary, New Delhi.

2 - State Of Chhattisgarh Through Its Secretary, Department Of Forest And Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh

3 - Principal Chief Conservator Of Forest Chhattisgarh, Aranya Bhawan
Sector-19, North Block, Nawa Raipur, Atal Nagar, District Raipur,
Chhattisgarh

4 - State Level Committee Chhattisgarh Under Wood Based Industries
Guidelines Through Its Member Sector-19, North Block, Nawa Raipur,
Atal Nagar, District Raipur, Chhattisgarh

5 - Divisional Forest Officer-Cum-Licensing Authority District Baloda
Bazar-Bhatapara Chhattisgarh

--- Respondents

WPC No. 764 of 2026

Mahidhar Tamboli S/o Munnalal Tamboli Aged About 66 Years
Proprietor Maa Sharda Saw Mill, Address - Village Katgi, Tehsil Kasdol,
District Baloda Bazar Bhatapara Chhattisgarh

---Petitioner

Versus

1 - Union Of India Ministry Of Environment Forest And Climate Change
Through Its Secretary, New Delhi

2 - State Of Chhattisgarh Through Its Secretary, Department Of Forest
And Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur,
Atal Nagar, District Raipur, Chhattisgarh

3 - Principal Chief Conservator Of Forest Chhattisgarh Aranya Bhawan,
Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur,
Chhattisgarh

4 - State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Sector-19, North Block, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh

5 - Divisional Forest Officer-Cum-Licensing Authority District Baloda Bazar - Bhatapara, Chhattisgarh

--- Respondents

WPC No. 755 of 2026

Khemraj Patel S/o Laxmiprasad Patel Aged About 65 Years Address Village Patasendri, Tehsil Saraipali, District Mahasamund Chhattisgarh

---Petitioner

Versus

1 - Union Of India Ministry Of Environment Forest And Climate Change Through Its Secretary, New Delhi

2 - State Of Chhattisgarh Through Its Secretary, Department Of Forest And Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh

3 - Principal Chief Conservator Of Forest Chhattisgarh Aranya Bhawan Sector-19, North Block, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh

4 - State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Sector-19, North Block, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh

5 - Divisional Forest Officer-Cum-Licensing Authority District Mahasamund Chhattisgarh

--- Respondents

WPC No. 758 of 2026

Gokul Prashad Rana S/o Vishe Sinhash Aged About 67 Years
Address- Village Bhanwarpur, Tehsil Saripali, District Mahasamund
Chhattisgarh

---**Petitioner**

Versus

1 - Union Of India Ministry Of Environment Forest And Climate Change
Through Its Secretary, New Delhi

2 - State Of Chhattisgarh Through Its Secretary, Department Of Forest
And Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur,
Atal Nagar, District Raipur, Chhattisgarh

3 - Principal Chief Conservator Of Forest Chhattisgarh, Aranya Bhawan
Sector- 19, North Block, Nawa Raipur, Atal Nagar, District Raipur,
Chhattisgarh

4 - State Level Committee Chhattisgarh Under Wood Based Industries
Guidelines Through Its Member Sector- 19, North Block, Nawa Raipur,
Atal Nagar, District Raipur, Chhattisgarh

5 - Divisional Forest Officer-Cum-Licensing Authority District
Mahasamund, Chhattisgarh

--- **Respondents**

WPC No. 424 of 2026

1 - Shri Anil Kumar Sharma S/o Sita Ram Sharma Aged About 57 Years
R/o Village Ijhalma Tehsil And District Balod, Chhattisgarh

2 - Hanuman Saw Mill Through Its Proprietor Triveni Bai Bairagi W/o Late Shri Hanumandas Bairagi, Age About 65 Years R/o Village Salhemanaki Tehsil Lohara District Balod Chhattisgarh

3 - Satish Saw Mill Through Its Proprietor Satish Kumar Jain S/o Late Shri Fattelal Jain, Aged About 56 Years R/o Village Salhemanaki Tehsil Lohara District Balod Chhattisgarh

4 - Durga Saw Mill Through Its Proprietor Laxminarayan Verma S/o Late Shri Omprakash Verma, Aged About 30 Years, R/o Village Deori Bangala Tehsil Lohara, District Balod Chhattisgarh

5 - Jai Ambey Saw Mill Through Its Proprietor Bhuwanlal Sahu S/o Late Shri Mansaram Sahu Age About 52 Years R/o Village Parsuli, Tehsil Lohara, District Balod Chhattisgarh

6 - Dewangan Saw Mill Through Its Proprietor Narayan Dewangan S/o Shri Virendra Dewangan, Age About 56 Years, R/o Village Gidhwa, Tehsil Lohara District Balod Chhattisgarh

7 - Sahu Saw Mill Through Its Proprietor Ramadhar Sahu S/o Shri Thukaluram Sahu Age About 78 Years R/o Village Chihatikala Tehsil Lohara District Balod Chhattisgarh

8 - Tigala Saw Mill Through Its Proprietor Mohd. Jabbar Tigala, S/o Noor Mohmmad Tigala, Aged About 67 Years, R/o Village Mlighori Tehsil Lohara District Balod Chhattisgarh

---Petitioners

Versus

1 - Union Of India Ministry of Environment Forest and Climate Change Through Its Secretary, New Delhi.

- 2 - State Of Chhattisgarh Through Its Secretary, Department Of Forest And Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh
- 3 - Principal Chief Conservator Of Forest Chhattisgarh, Aranya Bhawan Sector-19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh
- 4 - State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Sector-19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh
- 5 - Divisional Forest Officer-Cum-Licensing Authority District Balod, Chhattisgarh

--- Respondents

(Cause-title taken from Case Information System)

For Respective Petitioners	:	Mr. Chandresh Shrivastava, Mr. Vaibhav Shukla, Mr. Aditya Bhardwaj and Mr. Avinash Chand Sahu, Advocates
For Union of India	:	Mr. Manoj Kumar Mishra, Senior Panel Counsel and Mr. Niraj Baghel, Advocate on behalf of Mr. Ramakant Mishra, Deputy Solicitor General
For State	:	Mr. Anand Dadariya, Deputy Advocate General

Hon'ble Shri Amitendra Kishore Prasad, Judge

CAV Order

- 1. Heard Mr. Chandresh Shrivastava, Mr. Vaibhav Shukla, Mr. Aditya Bhardwaj and Mr. Avinash Chand Sahu, learned counsel appearing for the respective petitioners as well as Mr. Manoj Kumar Mishra, Senior Panel Counsel and Mr. Niraj Baghel,

Advocate on behalf of Mr. Ramakant Mishra, Deputy Solicitor General, appearing for the Union of India and Mr. Anand Dadariya, learned Deputy Advocate General, appearing for the State.

2. Since common questions of law and fact arise for consideration in this batch of nineteen writ petitions, all the matters were heard analogously and are being decided by this common order.
3. Though the petitioners are different and the consequential closure orders impugned in the respective petitions have been issued by different authorities and, in some cases, on different dates, the principal challenge in all the petitions is directed against the Notification dated 25.09.2025, published in the Chhattisgarh State Gazette (Extraordinary) on 03.10.2025, issued by the State Government under Section 5(1) of the Chhattisgarh Kashtha Chiran (Viniyaman) Adhiniyam, 1984 (for short, 'Adhiniyam of 1984'), whereby all areas falling within an aerial distance of 10 kilometres from the nearest notified forest/protected area have been declared as "Prohibited Area" for a period of three years.
4. The consequential closure orders passed pursuant thereto have also been called in question. As the issues involved in all the petitions emanate from the same notification and raise substantially identical questions relating to the scope of Section 5(1) of the Adhiniyam of 1984, the effect of the directions issued by the Hon'ble Supreme Court in ***T.N. Godavarman***

Thirumulpad v. Union of India and others, (1997) 2 SCC 267,

the role and recommendations of the State Level Committee, and the legality of the resultant closure of saw mills situated within the notified area, all the petitions were clubbed together for analogous hearing.

5. For the sake of convenience and to avoid repetition of facts, pleadings and submissions, W.P.(C) No. 466 of 2026 has been treated as the lead case. The factual matrix of the said petition broadly represents the nature of controversy involved in the connected matters and the questions arising therein substantially overlap with those involved in the remaining writ petitions.
6. Accordingly, the facts are being referred to from W.P.(C) No. 466 of 2026 and, unless the context otherwise requires, references to the pleadings, documents and grounds shall be understood as references to the lead case. It is, however, made clear that the adjudication rendered herein shall govern all the connected writ petitions, subject to any individual factual distinctions, if relevant.
7. Since the reliefs claimed in the connected petitions are substantially similar and arise out of a common cause founded upon the validity of the aforesaid notification and the consequential closure orders, for the purpose of brevity and convenience, the prayer clause reproduced in this judgment is extracted from W.P.(C) No. 466 of 2026, the lead case. The relief(s) sought for in W.P.(C) No. 466 of 2026 are as under :-

"I. That, the Hon'ble Court may issue appropriate writ quashing Notification dated 25.09.2025 issued by Respondent No.2 under Section 5(1) of the Chhattisgarh Kashtha Chiran (Viniyaman) Adhiniyam, 1984, whereby areas within 10 kilometers aerial distance from the nearest notified/protected forest have been declared as "Prohibited Area", being arbitrary, illegal, without jurisdiction and in violation of binding directions of the Hon'ble Supreme Court. (Annexure P/1).

II. Quash the impugned Closure Order /Show Cause Notice dated 07.11.2025 bearing No. संरक्षण/आ.म./2025/583 issued by the Divisional Forest Officer & Licensing Authority, Rajnandgaon, directing closure of the petitioner's saw mill from 03.10.2025 to 02.10.2028, as being mechanical, non-speaking, violative of principles of natural justice and de hors the provisions of the 1984 Adhiniyam (Annexure P/2).

III. Pass any other order(s) as this Hon'ble Court may deem fit and proper in the interest of justice."

8. The challenge in the present batch of writ petitions is directed against the legality, validity and constitutional propriety of the Notification dated 25.09.2025 (Annexure P/1), issued by the Forest and Climate Change Department, Government of Chhattisgarh in exercise of powers under Section 5(1) of the Chhattisgarh Kashtha Chiran (Viniyaman) Adhiniyam, 1984,

whereby all areas falling within an aerial distance of ten kilometres from the boundary of the nearest notified forest or protected area, excluding specified exempted categories, have been declared as prohibited areas for a period of three years. The petitioners have also assailed the consequential orders passed by the respective Licensing Authorities, including the order dated 07.11.2025 (Annexure P/2) issued by the Licensing Officer-cum-Divisional Forest Officer, Rajnandgaon Forest Division, and similar orders passed in connected matters, whereby the saw mills of the petitioners have been directed to cease operations and renewal of their licences has been withheld on the ground that the units are situated within the prohibited area declared under Annexure P/1.

9. The petitioners contend that their saw mills were lawfully established and have been operating under valid licences much prior to 12.12.1996 and, therefore, the impugned actions are unsustainable in law. According to the petitioners, while issuing the Notification dated 25.09.2025 (Annexure P/1), the State Government has mechanically adopted a uniform 10-kilometre aerial-distance criterion in disregard of the recommendations made by the State Level Committee and without undertaking any fresh scientific or expert assessment relatable to local conditions prevailing in the State. It is further contended that the consequential closure orders, including Annexure P/2 dated 07.11.2025, have been passed without affording any opportunity of hearing to the affected saw mill operators and without

considering their individual cases, thereby violating the principles of natural justice. On the aforesaid grounds, it is urged that Annexure P/1 and the consequential orders issued pursuant thereto are arbitrary, unreasonable, contrary to the directions issued by the Hon'ble Supreme Court and liable to be quashed in exercise of jurisdiction under Article 226 of the Constitution of India.

10. Brief facts of all the writ petitions, shorn of unnecessary details, are that the petitioners are owners/proprietors of saw mills established and operating within the State of Chhattisgarh under valid licences granted under the provisions of the Chhattisgarh Kashtha Chiran (Viniyaman) Adhiniyam, 1984. The licences granted in favour of the petitioners have been renewed from time to time and the establishments have been carrying on their business activities lawfully for several decades. A substantial number of the petitioners' saw mills were established prior to 12.12.1996, i.e., prior to the order passed by the Hon'ble Supreme Court in ***T.N. Godavarman Thirumulpad*** (supra) and were included in the list of existing saw mills submitted before the Hon'ble Supreme Court pursuant to the directions issued therein.
11. The record would reveal that by order dated 12.12.1996, the Hon'ble Supreme Court, while dealing with matters relating to wood-based industries, directed each State Government to constitute an Expert Committee to assess, inter alia, the

sustainable capacity of forests, the number of saw mills that could safely be sustained and, most importantly, the optimum distance from forests at which saw mills should be located. Subsequently, by order dated 05.10.2015, the Hon'ble Supreme Court authorized the State Level Committees (SLCs), subject to compliance with prescribed guidelines and procedure, to take decisions relating to grant of licences and regulation of wood-based industries. The petitioners contend that the determination of the optimum distance of saw mills from forest areas was thus entrusted to the Expert Committee/State Level Committee and no uniform distance was ever prescribed by the Hon'ble Supreme Court for all States.

- 12.** Pursuant to the aforesaid directions, the State Level Committee for the State of Chhattisgarh examined the issue and in its meeting dated 22.04.2019, after considering relevant factors such as local geography, topography, forest density, population requirements and availability of timber resources, recommended that areas falling within 4 kilometres from notified/protected forests be treated as prohibited areas for establishment and operation of saw mills. The petitioners contend that the said determination represented the expert opinion of the competent body constituted in terms of the directions of the Hon'ble Supreme Court and continued to hold the field.
- 13.** It appears that notwithstanding the aforesaid recommendation, the

State Government issued a notification dated 13.08.2021 declaring areas within 10 kilometres aerial distance from forests as prohibited areas. The said notification gave rise to the first round of litigation before this Court. During the pendency of the said proceedings, this Court, by order dated 06.10.2021, directed the authorities to consider the objections of the affected saw mill owners and restrained coercive action till final decision. Thereafter, the controversy again reached this Court and by order dated 25.09.2024, while disposing of the connected matters, this Court noticed the recommendation made by the State Level Committee and recorded the statement of the State that it would abide by the recommendation of the SLC. This Court also observed that it was expected that the State would adhere to the recommendation made by the SLC and left it open to the petitioners to challenge any adverse order that may subsequently be passed.

14. During the interregnum, the State Level Committee, in its 25th meeting held on 22.06.2022, took note of the fact that nearly 190 saw mills situated within the 10-kilometre zone had been adversely affected and that a large number of such units were established long before 12.12.1996 and had been operating lawfully for decades. The SLC further noticed that several of such units had been included in the list submitted before the Hon'ble Supreme Court pursuant to ***T.N. Godavarman*** proceedings. Having regard to these circumstances, the SLC recommended

that saw mills established prior to 12.12.1996 and included in the list submitted before the Hon'ble Supreme Court be permitted to continue at their existing locations, while any new or relocated saw mill should comply with the distance restrictions prescribed by the regulatory framework.

15. The recommendation of the SLC was thereafter supported by the Principal Chief Conservator of Forests, Chhattisgarh through communication dated 13.09.2022 addressed to the Ministry of Environment, Forest and Climate Change. According to the petitioners, notwithstanding the existence of the aforesaid recommendations and despite the expectation expressed by this Court that the State would adhere to the same, no final decision was taken upon the recommendations and the matter remained pending at different administrative levels.
16. While matters stood thus, the State Government issued the impugned Notification dated 25.09.2025 under Section 5(1) of the Adhiniyam of 1984 declaring all areas falling within 10 kilometres aerial distance from the nearest notified forest or protected area as "Prohibited Area" for a period of three years. The petitioners contend that the notification neither discloses any fresh scientific study, expert assessment, field survey or recommendation of the State Level Committee forming the basis for fixation of the 10-kilometre aerial distance nor records any reason for disregarding the earlier determination made by the SLC fixing 4 kilometres as

the prohibited distance and the subsequent recommendation permitting continuation of pre-12.12.1996 saw mills.

- 17.** Consequent upon issuance of the aforesaid notification, the respective Divisional Forest Officers/Licensing Authorities issued closure orders and show cause notices directing the petitioners to discontinue operation of their saw mills till the currency of the notification. According to the petitioners, the said orders were issued in a mechanical manner solely on the basis of the impugned notification without undertaking any independent examination of the individual cases. It is further alleged that no effective opportunity of hearing was granted, no measurement reports, maps, geo-spatial studies or technical data were supplied to establish that the respective units actually fall within the prescribed 10-kilometre aerial distance and no reasons were assigned as to how the distance was determined.
- 18.** The petitioners further contend that the State Government, while issuing the impugned notification, acted contrary to the scheme evolved under the directions of the Hon'ble Supreme Court and ignored the binding recommendations of the State Level Committee, which alone was competent to determine the optimum distance of saw mills from forest areas. According to the petitioners, the State Government has mechanically adopted a uniform distance criterion by relying upon superseded guidelines and without obtaining any fresh recommendation from the SLC or

conducting any independent expert assessment. The petitioners assert that the impugned action has resulted in closure of long-standing lawful businesses, causing grave financial prejudice and affecting the livelihood of numerous persons dependent upon such establishments.

- 19.** It is in the aforesaid backdrop, and being aggrieved by the Notification dated 25.09.2025 and the consequential closure orders passed pursuant thereto, that the petitioners have approached this Court invoking its writ jurisdiction under Article 226 of the Constitution of India.
- 20.** Mr. Chandresh Shrivastava, Mr. Vaibhav Shukla, Mr. Aditya Bhardwaj and Mr. Avinash Chand Sahu, learned counsel appearing for the respective petitioners, jointly submit that the impugned Notification dated 25.09.2025 and the consequential closure orders passed by the concerned Divisional Forest Officers/Licensing Authorities are wholly without jurisdiction, arbitrary, unconstitutional and contrary to the statutory scheme governing establishment and regulation of saw mills in the State of Chhattisgarh. It is contended that the petitioners are not unauthorized operators but are holders of valid licences granted under the provisions of the Chhattisgarh Kashtha Chiran (Viniyaman) Adhiniyam, 1984 and many of the petitioners have been carrying on their business activities for several decades, including from a period prior to 12.12.1996. According to learned

counsel, despite the petitioners having acquired vested rights under valid licences and despite their units having been continuously renewed and recognized by the competent authorities, the State Government has mechanically directed closure of their establishments solely on the basis of a uniform 10-kilometre aerial-distance criterion, without undertaking any fresh scientific assessment, expert evaluation or statutory exercise as contemplated under law.

21. Learned counsel would submit that the entire foundation of the impugned notification is contrary to the directions issued by the Hon'ble Supreme Court in ***T.N. Godavarman Thirumulpad*** (supra). Inviting attention to the orders dated 12.12.1996 and 05.10.2015 and 11.09.2017, it is argued that the Hon'ble Supreme Court consciously entrusted the task of determining the optimum distance of wood-based industries from forest areas to Expert Committees/State Level Committees constituted for each State, having regard to local conditions, forest density, ecological requirements, population needs, topography and other relevant factors. It is submitted that the Hon'ble Supreme Court never prescribed any uniform minimum distance applicable throughout the country and, on the contrary, recognized that such determination must necessarily be State-specific and based upon expert evaluation. According to learned counsel, the impugned notification proceeds on an assumption that a uniform aerial distance of 10 kilometres can be imposed throughout the State

irrespective of local conditions, which is directly inconsistent with the scheme evolved by the Hon'ble Supreme Court.

- 22.** Learned counsel further submit that the State Government has completely ignored the recommendations and decisions of the State Level Committee, which is the expert body recognized under the orders of the Hon'ble Supreme Court as well as the Wood Based Industries Guidelines. Particular emphasis has been laid on the decision of the State Level Committee dated 22.04.2019 whereby, after detailed consideration of ecological and local factors, the prohibited distance was determined as 4 kilometres from notified and protected forests. It is argued that once the competent expert body had already undertaken the exercise and arrived at a considered decision, the State Government could not have unilaterally substituted the same by prescribing a distance of 10 kilometres without any fresh recommendation, fresh expert study or reconsideration by the State Level Committee. Learned counsel submit that the impugned notification does not disclose any material whatsoever indicating why the earlier expert determination was discarded, thereby rendering the decision-making process arbitrary, irrational and violative of Article 14 of the Constitution of India.
- 23.** It is further contended that the petitioners belong to a distinct class of saw mill owners whose establishments were admittedly set up prior to 12.12.1996 and whose names formed part of the list

submitted before the Hon'ble Supreme Court in the Godavarman proceedings. Learned counsel submit that the State Level Committee, in its 25th meeting held on 22.06.2022, specifically took note of the hardship faced by such pre-existing units and recommended that saw mills established prior to 12.12.1996 should be permitted to continue at their existing locations while applying the distance restrictions only to new or relocated units. It is submitted that the said recommendation was further endorsed by the Principal Chief Conservator of Forests and communicated to the Ministry of Environment, Forest and Climate Change. However, while issuing the impugned notification and consequential closure orders, neither the State Government nor the Licensing Authorities considered the aforesaid recommendation, resulting in closure of long-standing lawful units contrary to the opinion of the expert body itself.

- 24.** Learned counsel also assail the impugned action on the ground of violation of principles of natural justice. It is submitted that the closure orders have been issued mechanically and in a routine manner without affording any meaningful opportunity of hearing to the petitioners. According to learned counsel, no individual determination has been made regarding the location of the respective saw mills, no measurement reports, maps, satellite imagery, survey records or technical data have been supplied to demonstrate that the petitioners' establishments actually fall within the alleged 10-kilometre aerial distance, nor have the authorities

disclosed the identity of the nearest notified forest or protected area from which such distance has been measured. It is argued that the impugned orders are non-speaking and bereft of reasons and have been passed solely as a consequence of the notification, thereby constituting a clear violation of the principles of audi alteram partem and fair administrative action.

- 25.** Learned counsel further contend that the State has acted in complete disregard of the earlier orders passed by this Court in the previous rounds of litigation. Reference has been made to the orders dated 06.10.2021 and 25.09.2024, wherein this Court had observed that the matter required consideration in light of the recommendations of the State Level Committee and had recorded the expectation that the State would adhere to the recommendations made by the expert body. It is argued that despite the aforesaid observations and despite the issue remaining under consideration before the competent authorities, the State Government has once again issued a fresh notification substantially reiterating the earlier position without addressing the concerns noticed by this Court. According to learned counsel, such conduct amounts to complete non-application of mind and is contrary to the spirit of the earlier orders passed by this Court.
- 26.** Learned counsel also submit that the impugned action imposes an unreasonable and disproportionate restriction upon the petitioners' fundamental right to carry on trade and business

guaranteed under Article 19(1)(g) of the Constitution of India. It is argued that the closure of long-standing industrial units affects not only the petitioners but also numerous employees, labourers and families dependent upon such establishments for their livelihood. According to learned counsel, even assuming environmental concerns existed, the State was required to adopt a balanced approach by considering regulatory measures, monitoring mechanisms and expert recommendations rather than imposing a blanket prohibition resulting in complete cessation of lawful business activity. It is submitted that the impugned notification and closure orders are manifestly arbitrary, discriminatory, disproportionate and unsupported by any scientific or legal basis and, therefore, deserve to be quashed by this Court.

27. Learned counsel for the petitioners have placed heavy reliance upon the orders passed by the Hon'ble Supreme Court in ***T.N. Godavarman Thirumulpad*** (supra), particularly the orders dated 12.12.1996 and 05.10.2015, as also the recent judgment rendered in ***T.N. Godavarman Thirumulpad v. Union of India & Others, 2024 SCC OnLine SC 3778***. It is submitted that the entire regulatory framework governing establishment and operation of wood-based industries in the country traces its origin to the aforesaid proceedings and, therefore, any action taken by the State Government in relation to saw mills must necessarily conform to the principles and directions laid down therein. Learned counsel would contend that the impugned notification

and the consequential closure orders have been issued in complete disregard of the binding directions issued by the Hon'ble Supreme Court and are, therefore, liable to be set aside on this ground alone.

28. Learned counsel submit that by order dated 12.12.1996 passed in ***T.N. Godavarman Thirumulpad*** (supra), the Hon'ble Supreme Court specifically directed every State Government to constitute an Expert Committee for assessing the sustainable capacity of forests, the number of saw mills that could safely be sustained within the State and, most importantly, the optimum distance from forests at which saw mills should be located. It is argued that the aforesaid direction clearly demonstrates that the determination of the appropriate distance between a saw mill and a forest area was intended to be an exercise undertaken by a State-specific expert body after considering local ecological, geographical and socio-economic conditions. According to learned counsel, the Hon'ble Supreme Court consciously refrained from prescribing any uniform minimum distance applicable throughout the country and instead entrusted such determination to expert committees constituted at the State level.
29. Placing further reliance on the order dated 05.10.2015 passed in Category-I matters relating to Wood Based Industries arising out of ***T.N. Godavarman Thirumulpad*** (supra), learned counsel submit that the Hon'ble Supreme Court expressly authorized the

State Level Committees (SLCs), subject to compliance with the prescribed guidelines and procedure, to take decisions concerning wood-based industries. It is contended that the said order reaffirmed the central role of the State Level Committee as the expert decision-making body in matters concerning establishment, regulation and licensing of wood-based industries. According to learned counsel, once the Hon'ble Supreme Court had vested such authority in the SLC, the State Government could not have independently and unilaterally fixed a distance of 10 kilometres without obtaining any recommendation from the SLC or conducting a fresh expert assessment through the mechanism recognized by the Hon'ble Supreme Court.

30. Learned counsel further submit that the State Level Committee, Chhattisgarh, in compliance with the directions issued by the Hon'ble Supreme Court, had already undertaken the requisite exercise and, by its decision dated 22.04.2019, determined 4 kilometres as the prohibited distance from notified and protected forests after considering relevant factors including topography, forest cover, population requirements and local conditions. It is argued that the impugned notification dated 25.09.2025 completely ignores the said expert determination and substitutes it with a uniform 10-kilometre aerial-distance restriction without disclosing any fresh scientific study, ecological assessment, technical report or recommendation of the State Level Committee. According to learned counsel, such an exercise is directly contrary

to the regulatory framework evolved by the Hon'ble Supreme Court in the ***T.N. Godavarman's*** proceedings and constitutes an impermissible assumption of powers reserved for expert bodies.

31. Reliance has also been placed upon the judgment of the Hon'ble Supreme Court in ***Jawahar Lal Sharma and another v. Divisional Forest Officer, U.P. and another, AIR 2002 SC 769*** and ***The State of Uttar Pradesh v. Uday Education and Welfare Trust in Civil Appeal Nos.2407-2412 of 2021 vide judgment dated 21.10.2022*** as well as the judgment rendered by the Hon'ble Karnataka High Court in ***K.R. Vijayan v. State of Karnataka and others, AIR OnLine 2024 KAR 2353*** to buttress their submissions.
32. On the strength of the aforesaid authorities, learned counsel submit that the determination of the optimum distance of saw mills from forest areas is not a matter of executive discretion but a specialized function entrusted by the Hon'ble Supreme Court to expert bodies constituted for that purpose. Therefore, the State Government could not have substituted its own opinion for that of the State Level Committee nor could it have imposed a uniform 10-kilometre aerial-distance restriction in the absence of any recommendation by the competent expert body. It is, thus, contended that the impugned notification dated 25.09.2025 and the consequential closure orders are in direct conflict with the law declared by the Hon'ble Supreme Court in the ***T.N. Godavarman***

(supra) series of cases and are liable to be quashed as being arbitrary, without jurisdiction and contrary to binding judicial directions.

- 33.** On the other hand, Mr. Anand Dadariya, learned Deputy Advocate General appearing on behalf of the State, vehemently opposes the submissions advanced by learned counsel for the respective petitioners and submits that the entire challenge raised in the present batch of writ petitions is misconceived, devoid of any legal foundation and liable to be rejected. At the outset, it is contended that the impugned Notification dated 25.09.2025 has been issued by the State Government in exercise of powers expressly conferred under Section 5(1) of the Adhiniyam of 1984 and, therefore, enjoys a presumption of legality and constitutionality. According to him, the notification constitutes a policy and regulatory measure intended to achieve the larger objective of conservation and protection of forests, preservation of ecological balance and regulation of wood-based industries in accordance with the environmental obligations imposed upon the State under Articles 48A and 51A(g) of the Constitution of India. It is submitted that the determination of distance norms from forest boundaries is essentially a matter involving environmental policy, ecological considerations and technical expertise and, therefore, the scope of judicial review under Article 226 of the Constitution is extremely limited. Unless the petitioners are able to establish patent lack of jurisdiction, manifest arbitrariness or violation of any statutory

provision, this Court ought not to interfere with a policy decision taken by the State in public interest.

- 34.** Learned Deputy Advocate General further submits that the controversy sought to be raised in the present proceedings is not a new one and, in fact, represents the third round of litigation concerning the same subject matter. It is argued that the earlier notifications, distance norms and consequential regulatory actions had already been subjected to judicial scrutiny before this Court. In the first round of litigation, challenge was laid to Clause 7(ii) of the Wood Based Industries (Establishment and Regulation) Guidelines, 2016, as amended in 2017, as well as to the notification dated 13.08.2021 and the show-cause notices issued pursuant thereto. The said batch of petitions came to be disposed of by this Court on 06.10.2021 with liberty to the authorities to take a final decision after considering the replies submitted by the affected parties. Thereafter, in the second round of litigation, the petitioners once again questioned the validity of the distance-based regulatory regime and the orders directing closure and non-renewal of licences. The said batch of petitions was disposed of by this Court on 25.09.2024, noticing that the recommendations of the State Level Committee were under consideration before the Government of India. Learned State counsel submits that the present proceedings are, in substance, an attempt to reopen issues which already stood considered in the earlier rounds of litigation and, therefore, deserve to be viewed with

circumspection.

- 35.** Elaborating his submissions, learned Deputy Advocate General contends that the petitioners are proceeding on an erroneous assumption that the recommendations of the State Level Committee confer upon them an enforceable legal right to continue operating their saw mills irrespective of the prevailing regulatory framework. According to him, the recommendations made by the State Level Committee in its meetings dated 22.04.2019 and 22.06.2022 were merely recommendatory in nature and did not attain finality or acquire binding force in law. The State Government, realizing the concerns expressed by the saw mill owners, had forwarded the recommendations of the State Level Committee to the Ministry of Environment, Forest and Climate Change, Government of India, through communications including the letter dated 13.09.2022. However, such recommendations remained subject to examination and approval by the competent authority at the Central level. It is submitted that unless and until such recommendations were accepted and incorporated within the governing regulatory framework, no vested right could accrue in favour of the petitioners merely on the basis of a proposal or recommendation made by the State Level Committee. Therefore, according to the learned State counsel, the petitioners cannot seek enforcement of recommendations which never matured into a binding decision.

- 36.** Learned Deputy Advocate General further submits that the matter was thereafter examined by the Ministry of Environment, Forest and Climate Change, Government of India, which, by communication dated 16.06.2025, categorically declined to accept the proposal seeking exemption in favour of saw mills established prior to 12.12.1996 from the prescribed distance norms. Drawing attention to the contents of the said communication, it is argued that the Government of India expressly found that the proposal forwarded by the State Government was not in conformity with the Wood Based Industries (Establishment and Regulation) Guidelines, 2016, as amended in 2017, nor was it supported by the directions issued by the Hon'ble Supreme Court. Learned counsel submits that once the competent authority at the Central level had rejected the proposal seeking relaxation, the State Government was left with no option but to implement the existing regulatory regime in its true letter and spirit. It is, therefore, argued that the petitioners cannot derive any benefit from recommendations which stood effectively disapproved by the Central Government itself.
- 37.** Learned Deputy Advocate General places considerable reliance upon the Wood Based Industries (Establishment and Regulation) Guidelines, 2016, issued by the Ministry of Environment, Forest and Climate Change in compliance with the orders passed by the Hon'ble Supreme Court in ***T.N. Godavarman Thirumulpad*** (supra), and the subsequent amendment dated 11.09.2017.

According to him, the entire regulatory framework governing establishment and operation of wood-based industries across the country is now regulated by the said guidelines. Referring to the relevant provisions, learned counsel submits that the State Level Committee does not possess the exclusive authority claimed by the petitioners and that its role is confined to functions specifically enumerated under the guidelines, including assessment of timber availability, consideration of applications, monitoring and making recommendations. It is contended that the guidelines themselves contemplate regulation of wood-based industries with reference to distance from the nearest notified forest or protected area and recognize implementation through State-specific regulatory mechanisms. Therefore, the State Government, while issuing the impugned notification under Section 5(1) of the Adhiniyam of 1984, has merely implemented the central regulatory framework and has not acted independently of it.

- 38.** Learned State counsel further submits that the power exercised under Section 5(1) of the Adhiniyam of 1984 is plenary in nature and specifically authorizes the State Government to declare any area as a prohibited area for such period as may be specified. The impugned notification has been issued after considering the larger environmental concerns associated with indiscriminate operation of wood-based industries in close proximity to forest areas and, therefore, constitutes a valid exercise of statutory power. It is argued that the fixation of a 10-kilometre aerial

distance cannot be said to be arbitrary merely because the petitioners prefer a different standard. According to learned counsel, environmental regulation necessarily involves drawing regulatory lines and adopting uniform standards capable of effective implementation throughout the State. The decision to prescribe a 10-kilometre aerial-distance norm is a matter of policy and technical assessment, and the Court ought not substitute its own view for that of the executive authorities entrusted with environmental governance.

- 39.** Learned Deputy Advocate General also disputes the contention of the petitioners that their pre-1996 status confers any special protection or immunity from future regulatory measures. It is argued that operation of a saw mill is not an absolute right but a licensed and heavily regulated activity. Even assuming that some of the petitioners had established their units prior to 12.12.1996, such circumstance does not create a perpetual or indefeasible right to continue operations irrespective of subsequent environmental regulations enacted in public interest. According to learned counsel, environmental law is a dynamic field and regulatory measures are required to evolve in response to changing ecological realities. A licence granted several decades ago cannot prevent the State from imposing more stringent conditions in the larger interest of environmental protection and sustainable development. The restrictions imposed by the impugned notification are, therefore, reasonable restrictions within

the meaning of Article 19(6) of the Constitution and cannot be faulted merely because they adversely affect commercial interests.

40. Learned State counsel further submits that the challenge founded upon principles of natural justice is equally unsustainable. According to him, the closure orders are merely consequential and flow directly from the statutory notification issued under Section 5(1) of the Adhiniyam of 1984. Once a particular area stands notified as a prohibited area, the consequences contemplated under Section 5(2) automatically follow, including cessation of operations of saw mills situated within such area. It is, therefore, contended that the petitioners cannot insist upon a separate adjudicatory process for implementation of consequences expressly provided by the statute itself. In any event, learned counsel submits that the petitioners have repeatedly participated in earlier proceedings concerning the same issue and were fully aware of the regulatory regime governing operation of saw mills within the prescribed distance from forest areas.

41. Lastly, learned Deputy Advocate General submits that the impugned notification represents a uniform regulatory measure applicable throughout the State and has not been targeted against any individual petitioner. The adoption of aerial distance as the criterion for measurement is stated to be a rational and

scientifically acceptable method, as it provides a uniform buffer around forest areas and avoids inconsistencies arising from road alignments, changes in transportation routes or local geographical variations. It is contended that the petitioners are, in substance, seeking individual exemptions from a generally applicable environmental regulation despite the fact that such exemptions have already been considered and declined by the competent authorities. According to learned counsel, the impugned notification, the consequential closure orders and the regulatory framework governing wood-based industries are fully consistent with the provisions of the Adhiniyam of 1984, the Wood Based Industries Guidelines, 2016 as amended in 2017, and the environmental obligations cast upon the State under the Constitution. He would, therefore, submit that no case for interference under Article 226 of the Constitution is made out and the writ petitions deserve to be dismissed.

- 42.** Mr. Manoj Kumar Mishra, learned Senior Panel Counsel and Mr. Niraj Baghel, Advocate appearing on behalf of Mr. Ramakant Mishra, learned Deputy Solicitor General for the Union of India, adopt the submissions advanced by the learned State counsel and further submit that the impugned Notification dated 25.09.2025 has been issued in consonance with the regulatory framework governing wood-based industries and the guidelines framed by the Ministry of Environment, Forest and Climate Change. It is submitted that the recommendations made by the

State Level Committee do not possess overriding force so as to curtail or supersede the statutory powers vested in the State Government under Section 5 of the Adhiniyam of 1984. They would further submit that the recommendation forwarded by the State Level Committee was duly considered by the Ministry of Environment, Forest and Climate Change, Government of India; however, the same was not approved by the competent authority. It is contended that once the recommendation of the State Level Committee was not accepted by the Ministry, the petitioners cannot claim any vested or enforceable right on the basis thereof. It is further submitted that the distance criteria prescribed under the impugned Notification is in furtherance of the object of forest conservation, environmental protection and sustainable regulation of wood-based industries and, therefore, the same cannot be said to be arbitrary, irrational or contrary to law. Lastly, they would submit that the challenge raised by the petitioners essentially seeks judicial review of a policy decision taken in the field of environmental governance and forest conservation. In the absence of any demonstrable illegality, arbitrariness, mala fides or violation of statutory provisions, no interference is called for in exercise of the extraordinary jurisdiction under Article 226 of the Constitution of India. Accordingly, it is prayed that the writ petitions, being devoid of merit, deserve to be dismissed.

- 43.** I have heard learned counsel appearing for the respective parties and perused the pleadings and documents brought on record, the

statutory provisions governing the field, the relevant policy guidelines, the recommendations of the State Level Committee, the communications exchanged between the State Government and the Ministry of Environment, Forest and Climate Change, as well as the judgments and orders relied upon by the learned counsel appearing for the parties.

- 44.** From perusal of Annexure P/1, i.e., Notification dated 25.09.2025 issued by the Forest and Climate Change Department, Government of Chhattisgarh, it transpires that the said notification has been issued by the State Government in exercise of powers conferred under sub-section (1) of Section 5 of the Chhattisgarh Kashtha Chiran (Viniyaman) Adhiniyam, 1984. The notification further reveals that the same has been issued in supersession of the earlier notification dated 23.08.2021 and that the State Government, upon being satisfied that such action is necessary in the public interest for protection and conservation of forests and environment, has declared all areas falling within an aerial distance of ten kilometres from the boundary of the nearest notified forest or protected area, excluding roadside, railway-side and canal-side plantations and except industrial estates or municipal areas, as "prohibited areas" for the purposes of the Adhiniyam for a period of three years from the date of publication of the notification in the Official Gazette.
- 45.** A further reading of the notification makes it evident that the

impugned action is not founded upon any individual or localized consideration concerning a particular saw mill or wood-based industry, but constitutes a general regulatory measure applicable uniformly throughout the State. The notification expressly records that the same has been issued for the protection and conservation of forests and environment and, therefore, is traceable to the object sought to be achieved by the Adhiniyam of 1984. It is also apparent that while prescribing the ten-kilometre aerial-distance criterion, the State Government has carved out specific exceptions in respect of industrial estates and municipal areas, thereby indicating that the notification has been issued after taking into consideration the broader regulatory framework governing wood-based industries.

- 46.** Thus, on the face of the record, Annexure P/1 discloses that the State Government has exercised a statutory power specifically conferred upon it under Section 5 of the Adhiniyam of 1984 and has assigned reasons relatable to forest conservation, environmental protection and public interest for issuance of the impugned notification. The notification, therefore, cannot be said to be bereft of statutory authority or devoid of the object sought to be achieved by the parent enactment.
- 47.** From a bare perusal of Annexure P/2 dated 07.11.2025, it is quite clear that the said order has been issued by the Licensing Officer-cum-Divisional Forest Officer, Rajnandgaon Forest Division,

Rajnandgaon, in purported implementation of the Notification dated 25.09.2025 issued by the State Government under Section 5 of the Chhattisgarh Kashtha Chiran (Viniyaman) Adhiniyam, 1984. The order records that pursuant to the declaration of areas falling within an aerial distance of ten kilometres from the boundary of the nearest notified forest or protected area as prohibited areas, a survey and assessment were undertaken and it was found that the saw mills specified therein were situated within the prohibited zone and outside the exempted categories contemplated under the notification.

- 48.** A further reading of Annexure P/2 would reveal that the Licensing Authority has identified twenty-one saw mills operating within the territorial jurisdiction of Rajnandgaon Forest Division and has specifically recorded the aerial distance of each saw mill from the nearest notified forest area. On the basis of such determination, the authority has proceeded to hold that the said saw mills fall within the prohibited area declared under the Notification dated 25.09.2025 and, consequently, in exercise of powers traceable to Section 5(2)(b) and 5(2)(c) of the Adhiniyam of 1984, has directed postponement of renewal of their licences and cessation of their operations for a period co-terminus with the duration of the notification, i.e., from 03.10.2025 till 02.10.2028.
- 49.** It is also evident from the said order that the action taken by the Divisional Forest Officer is not founded upon any independent

adjudication of rights nor upon any allegation of misconduct or breach attributable to any particular saw mill owner. Rather, the order is purely consequential in nature and has been passed to give effect to the declaration made by the State Government under the Notification dated 25.09.2025. The foundation of the impugned order, therefore, is the statutory notification issued under Section 5 of the Adhiniyam of 1984.

- 50.** Significantly, Annexure P/2 discloses that the Licensing Authority has not exercised any discretion contrary to or independent of the State Government's notification. The order merely implements the legal consequences flowing from the declaration of the concerned areas as prohibited areas under Section 5 of the Adhiniyam. Once an area is declared as a prohibited area, the consequences contemplated under Section 5(2) of the Adhiniyam automatically come into operation, including non-renewal of licences and cessation of saw-mill operations within such area.
- 51.** Thus, from a plain reading of Annexure P/2, this Court finds that the order dated 07.11.2025 is consequential and incidental to the Notification dated 25.09.2025 and derives its authority therefrom. In other words, the validity of the consequential order is intrinsically dependent upon the validity of the parent notification. Therefore, once the Notification dated 25.09.2025 is found to be within the competence of the State Government and legally sustainable, the consequential order issued by the Divisional

Forest Officer implementing the mandate of the said notification cannot be faulted on any independent ground.

- 52.** Upon hearing the learned counsel for the parties at considerable length and upon careful examination of the material available on record, this Court finds that the controversy involved in the present batch of writ petitions lies in a narrow compass. The principal question which arises for consideration is whether the State Government, while exercising powers under Section 5(1) of the Adhiniyam of 1984, could have unilaterally declared all areas falling within 10 kilometres aerial distance from the nearest notified forest or protected area as "Prohibited Area" and consequently directed closure of the petitioners' saw mills, notwithstanding the recommendations made by the State Level Committee and the regulatory framework evolved pursuant to the orders passed by the Hon'ble Supreme Court in ***T.N. Godavarman Thirumulpad*** (supra).
- 53.** The challenge essentially revolves around the interplay between the statutory powers vested in the State Government under Section 5 of the Adhiniyam of 1984 and the role assigned to the State Level Committee under the framework governing Wood Based Industries pursuant to the directions issued by the Hon'ble Supreme Court. The ancillary questions which arise for consideration are whether the recommendations of the State Level Committee possess any binding or persuasive value;

whether fixation of a uniform 10-kilometre aerial distance is supported by any expert determination; whether the impugned notification suffers from arbitrariness, non-application of mind or violation of the principles of natural justice; and whether the consequential closure orders can be sustained in law.

- 54.** Since all the writ petitions raise substantially identical questions and the validity of the Notification dated 25.09.2025 constitutes the foundational issue, this Court proposes to examine the legality of the said notification in the first instance, as the fate of the consequential closure orders would necessarily depend upon the validity of the parent notification itself.
- 55.** Upon hearing the parties and upon careful examination of the material available on record, this Court finds that the controversy involved in the present batch of writ petitions principally centres around the scope of the powers exercisable by the State Government under Section 5 of the Adhiniyam of 1984, the role and functions assigned to the State Level Committee under the regulatory framework governing Wood Based Industries, and the legality of the impugned Notification dated 25.09.2025 issued pursuant thereto.
- 56.** Since the challenge raised by the petitioners is founded upon the interpretation of the provisions of the Adhiniyam of 1984, the Wood Based Industries (Establishment and Regulation) Guidelines, 2016, as amended in 2017, and the statutory

consequences flowing therefrom, this Court considers it necessary to first examine the legislative and regulatory framework governing the field. A proper appreciation of the relevant statutory provisions is indispensable for determining the nature and extent of the powers conferred upon the State Government, the significance of the recommendations made by the State Level Committee and the validity of the impugned notification and consequential closure orders.

57. Before proceeding further and adverting to the rival submissions on merits, it would be apposite to reproduce the relevant provisions of the Adhiniyam of 1984, the applicable Guidelines and the relevant Rules having a bearing on the controversy involved in the present cases.
58. Section 5 of the Chhattisgarh Kashtha Chiran (Viniyaman) Adhiniyam, 1984, which deals with declaration of prohibited area, reads as under :-

“5. Declaration of prohibited area.- (1) The State Government, may, by notification, for reasons to be specified therein, declare any area to be a prohibited area for such period not exceeding three years at a time, as may be specified therein.

(2) During the period any area is declared to be a prohibited area under sub-section (1), the following consequence shall ensue, namely :--

(a) no licence shall be granted for

establishment of a saw mill [11][x x x] in that area;

(b) no licence shall be renewed during that period;

(c) a saw mill [12][x x x] situated in that area shall cease to operate and keep its sawing operations closed:

Provided that the licensing authority may permit sawing of wood in deposit in the saw mill [13][x x x] subject to such conditions and restrictions as it may deem fit to impose;

(d) no claim on account of damages because of closure shall be entertained nor any damages shall be payable."

- 59.** A plain and meaningful reading of the aforesaid provision would reveal that Section 5 confers power upon the State Government to declare any area as a "prohibited area" by issuance of a notification. However, the exercise of such power is not unbridled or unguided. The legislature has consciously employed the expression "for reasons to be specified therein", thereby making it obligatory for the State Government to disclose the reasons which necessitate declaration of a particular area as a prohibited area. The requirement of recording reasons is not an empty formality but constitutes an important safeguard against arbitrary exercise of statutory power. The existence of reasons and their disclosure in the notification form the very foundation upon which the validity of the exercise of power under Section 5(1) rests.

- 60.** It is further noticeable that once an area is declared as a prohibited area under sub-section (1), serious civil and commercial consequences automatically follow under sub-section (2). Not only is the grant of a fresh licence prohibited, but renewal of existing licences is also barred. More significantly, clause (c) mandates that every saw mill situated within such notified area shall cease its operations and keep its sawing activities closed during the currency of the notification. Thus, a notification issued under Section 5(1) directly affects the rights, business interests and livelihood of persons operating licensed saw mills within the notified area.
- 61.** The legislative scheme embodied in Section 5 therefore indicates that the power to declare a prohibited area is an extraordinary regulatory power having far-reaching consequences. Such power cannot be exercised mechanically or on mere ipse dixit of the executive authority. Since the declaration results in closure of existing industrial establishments and suspension of lawful business activities, the decision-making process must necessarily be founded upon relevant considerations, objective material and a rational basis having nexus with the purpose sought to be achieved under the Adhiniyam of 1984.
- 62.** Equally significant is the fact that the statute itself requires the State Government to specify reasons while issuing the notification. The legislative insistence on recording reasons

demonstrates that the exercise of power under Section 5(1) is intended to be transparent, informed and capable of judicial scrutiny. Therefore, while examining the validity of the impugned Notification dated 25.09.2025, this Court would be required to ascertain whether the decision to declare all areas falling within 10 kilometres aerial distance from the nearest notified forest or protected area as a prohibited area is supported by relevant material, expert assessment and cogent reasons consistent with the statutory scheme and the regulatory framework governing wood-based industries.

- 63.** At this stage, it would also be apposite to refer to Clauses 3, 4 and 7 of the Wood Based Industries (Establishment and Regulation) Guidelines, 2016, which deal with the constitution, powers and functions of the State Level Committee and the procedure relating to grant and regulation of licences for wood-based industries.
- 64.** Since considerable emphasis has been laid by the learned counsel for the petitioners on the role and recommendations of the State Level Committee, and equally by the learned State counsel on the scope of its authority under the regulatory framework, the said provisions assume significance for adjudication of the controversy involved in the present batch of writ petitions. Clauses 3, 4 and 5 of the Wood Based Industries (Establishment and Regulation) Guidelines, 2016, therefore, extracted below for ready reference:-

“Clause 3 - Constitution of the State Level Committee: (1) *Each State shall constitute a State Level Committee to perform the functions stipulated in these guidelines.*

(i) The State Level Committee shall consist of the following:

a)	<i>Principal Chief Conservator of Forests/Head of Forest Department</i>	<i>Chairperson</i>
b)	<i>A representative of the Regional Office of the Ministry of Environment, Forest and Climate Change</i>	<i>Member</i>
c)	<i>A representative of the State Forest Department not below the rank of a Conservator of Forests dealing with preparation of Working Plans/Working Schemes</i>	<i>Member</i>
d)	<i>Director/Additional Director of Department of Industries</i>	<i>Member</i>
e)	<i>Representative of the each Autonomous District Council constituted in accordance with the provisions of the Sixth Schedule to the Constitution, in case any such Council exists in the State</i>	<i>Member</i>
f)	<i>Representative of the Forest Development Corporation, in case any such Corporation exists in the State</i>	<i>Member</i>
g)	<i>An officer not below the rank of Conservator of Forests working in the Forest Head quarters</i>	<i>Member Secretary</i>

(h) The State Level Committee may nominate any other officer working in territorial wing of the Forest Department not below the rank of CF.

(iii) Such State where the composition of State Level Committee already constituted is different from as stipulated in these guideline, shall, within one year from the date of publication of these guidelines, re-constitute the State Level Committee. The reconstitution of the State Level Committee will be without any prejudice to the recommendations made or the decisions taken by the existing State Level Committee till its re-constitution.

(iv) The State Level Committee shall meet at

least once in three months.

(v) The quorum of the State Level Committee meeting shall be at least fifty percent of permanent members.

(vi) SLC will invite one representative of the industry nominated by the saw-mill association as a special invitee to each and every meeting of the State Level Committee.

4. Powers and functions of the State Level Committee.

The State Level Committee shall:-

(i) Assess the availability of timber for wood based industrial units in the State/UT every five years.

(ii) Assess quantity of different raw material requirement for wood based industrial units which may be sustainably harvested from trees outside forest areas in the State/UT.

(iii) Assess annual requirement of timber and other forest produce in the domestic markets in the State.

(iv) Maintain a database of timber and other raw materials utilized by each wood based industrial unit permitted to Establish and operate in the State/UT during each financial year.

(v) Approve appropriate locations for setting up of wood based industrial units.

(vi) Approve the name of wood based industrial

units which may be considered for grant of fresh license or enhancement of the existing licensed capacity in case the committee is satisfied that timber is available legally for the said new Wood Based Industries (such as Trees outside forest, Forests etc.).

(vii) The State Level Committee will ensure that the amount lying with the respective State Forest Departments (recovered from Wood Based Industries) will be utilized for the purpose of afforestation only.

(viii) Examine and make appropriate recommendations on any other matter referred by the State Government or the Ministry of Environment, Forest and Climate Change.

7. Restriction on location of wood based industries.

(i) In the North Eastern States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim the wood based industries shall be permitted to be established within the industrial estates.

(ii) In the States other than the afore-mentioned North Eastern States, wood based industries shall ordinarily be not Vallowed to be established within ten kilometers aerial distance from the boundary of nearest notified forests and protected areas. The State Level Committee for the reasons to be recorded in writing and after obtaining prior approval of the Central Government in the Ministry of

Environment, Forest and Climate Change may permit to establish/operate a wood based industry at an aerial distance less than 10 kilometers from the boundary of a notified forest or a protected area.”

- 65.** A conjoint and harmonious reading of Clauses 3, 4 and 7 of the Wood Based Industries (Establishment and Regulation) Guidelines, 2016, leaves little room for doubt that the regulatory framework governing establishment and operation of wood-based industries is not intended to be administered solely through executive discretion. Rather, the Guidelines envisage a structured and institution-based decision-making process in which the State Level Committee occupies a central and pivotal role. The composition of the State Level Committee itself, as prescribed under Clause 3, demonstrates that it is conceived as a multidisciplinary expert body comprising senior officers of the Forest Department, representatives of the Ministry of Environment, Forest and Climate Change, the Department of Industries and other stakeholders possessing expertise and experience in matters concerning forestry, environmental protection, industrial regulation and sustainable utilization of forest resources.
- 66.** The significance attached to the State Level Committee becomes even more apparent from Clause 4 of the Guidelines, which enumerates its powers and functions. The Committee has been entrusted with the responsibility of assessing the availability of

timber resources, evaluating the sustainable requirement of raw material for wood-based industries, determining domestic market requirements, maintaining databases relating to timber utilization and, most importantly, approving appropriate locations for establishment of wood-based industrial units. The expression “approve appropriate locations for setting up of wood based industrial units” occurring in Clause 4(v) is of considerable significance and cannot be treated as surplusage. The said function necessarily requires the Committee to examine ecological, geographical and environmental considerations and to determine whether a particular location is suitable for establishment or operation of a wood-based industry. Thus, the issue relating to the location of saw mills and other wood-based industries falls squarely within the domain entrusted to the State Level Committee under the Guidelines.

- 67.** Equally important is Clause 4(viii), which empowers the State Level Committee to examine and make recommendations on any matter referred to it either by the State Government or by the Ministry of Environment, Forest and Climate Change. The conferment of such power clearly indicates that the Committee is intended to function as the principal expert advisory body in matters relating to regulation of wood-based industries. The recommendations emanating from such a body may not, in every case, possess the force of a statutory mandate; nevertheless, they constitute expert inputs which cannot be ignored or brushed

aside without cogent reasons, particularly when the subject matter involves technical and environmental considerations requiring specialized knowledge and assessment.

- 68.** A further examination of Clause 7 of the Guidelines reinforces the aforesaid conclusion. Clause 7(ii) stipulates that, in States other than the North-Eastern States, wood-based industries shall ordinarily not be permitted to be established within an aerial distance of ten kilometres from the boundary of the nearest notified forest or protected area. However, the provision does not stop there. Significantly, it carves out an exception by specifically empowering the State Level Committee, for reasons to be recorded in writing and upon obtaining prior approval of the Central Government, to permit establishment or operation of a wood-based industry at an aerial distance of less than ten kilometres from the boundary of a notified forest or protected area.
- 69.** The use of the words “the State Level Committee” in Clause 7(ii) assumes considerable importance. The provision does not confer such authority upon the State Government acting independently. On the contrary, the power to examine cases requiring relaxation from the general distance norm has been consciously vested in the State Level Committee, subject to recording of reasons and obtaining prior approval of the Central Government. The regulatory scheme, therefore, recognizes the State Level

Committee as the competent body to evaluate location-specific issues and to assess whether operation of a wood-based industry at a distance less than ten kilometres would be environmentally sustainable and legally permissible.

- 70.** Viewed thus, the Guidelines unmistakably reveal that questions relating to location of wood-based industries, assessment of environmental impact, determination of suitability of sites and consideration of exceptions to the prescribed distance norms are matters which fall substantially within the domain of the State Level Committee. The regulatory framework does not contemplate exclusion of the Committee from the decision-making process. Rather, it envisages active participation of the Committee at every stage where technical, environmental and location-specific considerations are required to be examined.
- 71.** Therefore, while considering the validity of the impugned Notification dated 25.09.2025, this Court cannot lose sight of the statutory and regulatory significance accorded to the State Level Committee under the Guidelines. The extent to which the recommendations made by the State Level Committee were considered, accepted, rejected or ignored, and whether the impugned notification is supported by any independent expert assessment consistent with the scheme of the Guidelines, are questions which assume considerable relevance.
- 72.** Since considerable emphasis has been laid by learned counsel

appearing for the petitioners on the powers, functions and recommendations of the State Level Committee and the effect thereof on the impugned Notification, and equally by learned counsel appearing for the respondents on the amendments brought about by the Ministry of Environment, Forest and Climate Change in the regulatory framework governing wood-based industries, it would be apposite to refer to the relevant amendments introduced in the Wood Based Industries (Establishment and Regulation) Guidelines, 2016 by Resolution dated 11.09.2017 issued by the Ministry of Environment, Forest and Climate Change, Government of India, in compliance with the directions issued by the Hon'ble Supreme Court in ***T.N. Godavarman Thirumulpad*** (supra).

73. By the said Resolution dated 11.09.2017, the Central Government carried out substantial amendments in the Wood Based Industries (Establishment and Regulation) Guidelines, 2016. In particular, Clauses 2 and 5 of the amending Resolution assume significance for adjudication of the controversy involved in the present batch of writ petitions. Clause 2 amended the composition and functioning of the State Level Committee, whereas Clause 5 substituted Para 7(ii) of the Guidelines relating to the distance criteria applicable to wood-based industries from the nearest notified forests or protected areas. The said provisions are extracted below for ready reference:-

“2. The entries under Para 3(h) of these Guidelines are substituted with the following:-

The State Level Committee may co-opt an officer from Territorial Wing of the Forest Department not below the rank of Conservator of Forests and officers from the Department of Agriculture and Department of Revenue of the concerned State/UT.

9. The entries under Para- 4 of these guidelines are substituted with the following-

The State Level Committee (SLC) shall: -

i. assess the availability of timber in the state by way of appropriate study on demand and supply on demand when it decides. SLC shall devise suitable mechanism for sustainable use of timber in a way that does not affect the forests of the area adversely.

ii. approve the name of wood based industries which may be considered for grant of fresh license or enhancement of the existing licensed capacity in case the SLC is satisfied that timber is available legally for the said new Wood Based Industries (such as Trees outside forest, Forests etc.).

iii. ensure that the amount lying with the respective State Forest Departments (recovered from Wood Based Industries) is utilized for the purpose of afforestation only.

iv. examine and make appropriate recommendations or any other matter referred

by the State Government to the Ministry of Environment, Forest and Climate Change.

5. The entries under Para 7(ii) of these Guidelines are substituted with the following:-

(a) In the States/UTs (other than North Eastern States), in respect of distance from the boundary of nearest notified forests or protected areas, wood based industries shall be allowed to operate as per state-specific order/approval of the Hon'ble Supreme Court/Hon'ble High Court of the concerned State/Central Empowered Committee; or beyond ten kilometers of aerial distance from the boundary of nearest notified forests or protected areas, excluding roadside/railway side/canal side plantations, whichever is less.

(b) A Wood Based Industry can be established in an Industrial Estate or a Municipal Area, irrespective of the aerial distance from the boundary of nearest notified forest or protected area."

- 74.** The aforesaid amendments are of considerable significance. A perusal thereof would reveal that the regulatory framework governing wood-based industries underwent a material change with effect from 11.09.2017. More importantly, the amended Para 7(ii) specifically incorporates the criterion of ten kilometres aerial distance from the boundary of the nearest notified forest or protected area, subject to any State-specific order or approval of the Hon'ble Supreme Court, the concerned High Court or the

Central Empowered Committee. The amendment, therefore, manifests the intention of the Central Government to ensure a uniform regulatory mechanism for protection of forest resources and ecologically sensitive areas while permitting operation of wood-based industries in accordance with law.

75. It is also pertinent to note that under the amended scheme, the role of the State Level Committee stands confined to the functions specifically entrusted to it under the Guidelines. The Committee undoubtedly continues to play an important role in matters relating to assessment of timber availability, grant of approval for fresh licences and other regulatory functions. However, neither the amended provisions nor any other clause of the Guidelines can be construed as conferring upon the State Level Committee any overriding authority to supersede statutory powers vested in the State Government under the parent enactment.
76. Thus, the amendments introduced by the Resolution dated 11.09.2017 clearly indicate that the regulatory regime governing wood-based industries is required to be understood in the backdrop of environmental protection, forest conservation and the directions issued by the Hon'ble Supreme Court in the continuing proceedings arising out of ***T.N. Godavarman Thirumulpad*** (supra). The said amendments, therefore, assume considerable relevance while examining the legality and validity of the impugned Notification dated 25.09.2025.

- 77.** Before proceeding to record the final conclusion, it would be appropriate to remind oneself that the present controversy does not merely concern the commercial interests of individual saw mill operators or wood-based industries. The issue involved transcends private rights and enters the realm of environmental governance, forest conservation and sustainable management of natural resources. The Court is therefore required to balance competing interests while keeping in view the constitutional mandate contained in Articles 48-A and 51-A(g) of the Constitution of India, which impose a duty upon the State as well as citizens to protect and improve the natural environment and safeguard forests and wildlife.
- 78.** The object underlying the Chhattisgarh Kashtha Chiran (Viniyaman) Adhiniyam, 1984 is not merely regulatory in nature but is fundamentally aimed at preventing indiscriminate exploitation of timber resources and ensuring that industrial activity dependent upon forest produce is carried on in a manner consistent with ecological sustainability. The legislative intent is thus rooted in the larger public interest of preserving forest wealth for present and future generations.
- 79.** As discussed hereinabove, Section 5 of the Adhiniyam of 1984 confers a specific statutory power upon the State Government to declare any area as a prohibited area by issuance of a notification specifying reasons therefor. The source of authority is therefore

directly traceable to the parent enactment. Once the legislature has consciously vested such power in the State Government, the Court cannot read into the provision limitations which the legislature itself has not chosen to impose.

- 80.** The principal argument of the petitioners that the recommendations of the State Level Committee were not accepted and, therefore, the impugned notification deserves to be invalidated, cannot be accepted. A careful reading of Clauses 3, 4 and 7 of the Guidelines undoubtedly demonstrates the importance of the State Level Committee in the regulatory framework. However, neither the language of the Guidelines nor the scheme of the Adhiniyam indicates that the recommendations of the Committee are intended to override or supersede the statutory powers vested in the State Government.
- 81.** The Guidelines operate in aid of the statute. They supplement the statutory framework but cannot control, curtail or render otiose a power expressly conferred by the legislature. Acceptance of the petitioners' submission would amount to elevating the recommendations of an expert body above the mandate of the statute itself. Such an interpretation would be contrary to settled principles governing delegated legislation and statutory interpretation.
- 82.** This Court is further of the opinion that environmental decision-making occupies a distinct position in public law. Unlike ordinary

commercial regulation, environmental governance frequently requires adoption of precautionary measures even in situations where scientific certainty may not be absolute. The very purpose of environmental regulation is to prevent irreversible ecological damage before it occurs rather than to await its manifestation.

83. The Hon'ble Supreme Court in the celebrated forest and environmental jurisprudence developed in ***T.N. Godavarman*** (supra) line of cases has repeatedly emphasized the need for institutional mechanisms aimed at effective environmental governance. In reference to ***T.N. Godavarman Thirumulpad*** (supra), the Supreme Court reiterated the concept of "environmental rule of law" and observed that constitutional courts are required to ensure that environmental regulatory institutions function effectively, transparently and in furtherance of environmental protection. The Court emphasized that environmental governance must be guided by principles of accountability, transparency and effective implementation of environmental laws.

84. The aforesaid decision assumes considerable significance in the facts of the present case. The impugned notification has been issued in the field of environmental regulation and forest conservation. Therefore, while exercising powers of judicial review, this Court must remain conscious of the limits of judicial intervention in matters involving environmental policy and

regulatory choices made by competent authorities.

- 85.** It is equally well settled that the doctrines of sustainable development, precautionary principle and inter-generational equity now form an integral part of Indian environmental jurisprudence. Sustainable development requires that economic growth and environmental protection proceed hand in hand. The precautionary principle mandates preventive action where there exists a risk of serious environmental harm. The doctrine of inter-generational equity recognizes that natural resources are held in trust not merely for the present generation but also for generations yet to come.
- 86.** Viewed from the aforesaid perspective, the decision of the State Government to prescribe a uniform aerial-distance criterion of ten kilometres from the nearest notified forest or protected area cannot be said to be arbitrary or irrational. The regulatory framework itself recognizes the significance of such distance criteria. The State Government has merely adopted a policy measure intended to achieve greater protection of forest resources and ecological balance. Merely because the impugned notification may result in economic hardship or commercial inconvenience to certain operators cannot furnish a ground for invalidating the notification. Whenever environmental concerns and purely commercial interests come into conflict, the Court is required to strike a balance consistent with constitutional values

and the larger public interest. Environmental protection, by its very nature, often requires restrictions upon commercial activity.

87. This Court also finds no substance in the contention that the impugned notification suffers from arbitrariness. The petitioners have not been able to establish mala fides, colourable exercise of power, non-application of mind, consideration of irrelevant material or exclusion of relevant considerations. The challenge essentially invites the Court to substitute its own view for that of the competent governmental authority. Such substitution is impermissible within the limited scope of judicial review under Article 226 of the Constitution of India.
88. Judicial review is directed against the decision-making process and not against the merits of the decision itself. So long as the authority acts within the bounds of its statutory powers, considers relevant factors and arrives at a conclusion which cannot be termed perverse or irrational, the Court would not interfere merely because another view is possible.
89. At this juncture, it would be profitable to notice that the scope of judicial review in matters involving governmental policy, environmental regulation and management of natural resources is no longer *res integra*. The Hon'ble Supreme Court has consistently held that while constitutional courts possess the power of judicial review, they do not sit in appeal over policy decisions taken by competent authorities and would interfere only

when such decisions are shown to be arbitrary, mala fide, violative of constitutional or statutory provisions or manifestly unreasonable.

90. The interference of this Court has been sought in exercise of its extraordinary writ jurisdiction under Article 226 of the Constitution of India against the decision of the State Government declaring, by Notification dated 25.09.2025 issued under Section 5(1) of the Chhattisgarh Kashtha Chiran (Viniyaman) Adhiniyam, 1984, all areas falling within an aerial distance of 10 kilometres from the boundary of the nearest notified forest or protected area as prohibited areas for the purposes of regulation of saw mills and other wood-based industries. The said decision has been taken in the backdrop of the regulatory framework governing wood-based industries, the amended Wood Based Industries (Establishment and Regulation) Guidelines, 2016, and the larger objective of forest conservation and ecological protection flowing from the directions issued by the Hon'ble Supreme Court in ***T.N. Godavarman Thirumulpad*** (supra).

91. In the considered opinion of this Court, it would not be appropriate to exercise writ jurisdiction to interdict such a policy and regulatory measure, particularly when indiscriminate proliferation of saw mills and wood-based industries in close proximity to forest areas has the potential to adversely impact forest resources and ecological balance. Environmental degradation, depletion of forest cover and

the corresponding need to adopt precautionary and protective measures in larger public interest are matters which fall primarily within the domain of the competent governmental authorities. No material has been brought on record by the petitioners to demonstrate that the impugned decision of the State Government is vitiated by mala fides, arbitrariness, lack of jurisdiction or manifest illegality so as to warrant interference in exercise of powers under Article 226 of the Constitution. Significantly, the petitioners have also not laid any substantive challenge on the basis that some other scientifically determined or legally sustainable distance ought to have been prescribed in place of the 10-kilometre aerial-distance norm.

92. In case of ***Sachidanand Pandey v. State of West Bengal, (1987) 2 SCC 295***, the Apex Court, though in a slightly different context, held as follows:-

"4. Whenever a problem of ecology is brought before the Court, the Court is bound to bear in mind Art. 48-A of the Constitution, Directive Principle which enjoins that "The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country," and Art. 51A(g) which proclaims it to be the fundamental duty of every citizen of India "to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures". When the

Court is called upon to give effect to the Directive Principle and the fundamental duty, the Court is not to shrug its shoulders and say that priorities are a matter of policy and so it is a matter for the policy making authority.....”

- 93.** The Division Bench considered the provisions of the said Act Rules in the light of the decision of the Supreme Court in **T.N. Godavarman Thirumulkpad's** case (supra) and other decisions and concluded as follows:-

“14. We have carefully considered the submissions made on behalf of the respective parties having regard to the directions given by the Hon'ble Supreme Court and the various provisions of the Bihar Saw Mills (Regulation) Act, 1990 and the rules framed thereunder and we are inclined to agree with Mr. Sahay's submission that the question as to whether the saw mill licence of the petitioner was to be renewed or not, had been left to the discretion of the Government in keeping with the directions contained not only in T.N. Godavarman Thirumulkpad's case, (supra), but also in the case decided by the Division Bench of the Patna High Court in Basudeo Yadav, (supra). It is quite clear that the intention of the Hon'ble Supreme Court was that wood-based industries were to be curtailed/minimized in order to protect the forests and environment and in keeping with such policy, a direction was given to the Central Government and State Governments

to appoint Expert Committees to go into the matter. Whether the report of one committee was accepted or not or whether the same was an order within the meaning of Article 166 of the Constitution or not, is, in our view, not very material for the purpose of the present writ application. The Hon'ble Supreme Court has clearly directed that the Expert Committee was to submit its report to the Hon'ble Supreme Court which appears to have been done. The decision was taken by the State Government to curtail and phase out saw-mills and timber-based industries, in the manner as indicated in the communication of 28th November, 2000 and the decision not to renew the petitioner's licence appears to have been taken, pursuant to such a policy.

15. We are not, therefore, inclined to interfere with the policy decision of the State Government, which we are convinced is in keeping with the directions of the Hon'ble Supreme Court".

- 94.** Recently, in ***N.G. Projects Limited v. Vinod Kumar Jain and others, (2022) 6 SCC 127***, the Hon'ble Supreme Court, while reiterating the limited scope of judicial review in matters involving policy decisions and contractual/tender-related disputes, has observed as under:

"15. In Uflex Ltd. v. State of T.N., (2022) 1 SCC 165, this Court stated that the enlarged

role of the Government in economic activity and its corresponding ability to give economic "largesse" was the bedrock of creating what is commonly called the "tender jurisdiction". The objective was to have greater transparency and the consequent right of an aggrieved party to invoke the jurisdiction of the High Court under Article 226 of the Constitution of India beyond the issue of strict enforcement of contractual rights under the civil jurisdiction. However, the ground reality today is that almost no tender remains unchallenged. Unsuccessful parties or parties not even participating in the tender seek to invoke the jurisdiction of the High Court under Article 226 of the Constitution. The Court held as under: (SCC pp. 173-74 & 189-90, paras 2-3 & 42)

"2. The judicial review of such contractual matters has its own limitations. It is in this context of judicial review of administrative actions that this Court has opined that it is intended to prevent arbitrariness, irrationality, unreasonableness, bias and mala fides. The purpose is to check whether the choice of decision is made lawfully and not to check whether the choice of decision is sound. In evaluating tenders and awarding contracts, the parties are to be governed by principles of commercial prudence. To that extent, principles of equity and natural justice have to stay at a distance.

3. We cannot lose sight of the fact that a

tenderer or contractor with a grievance can always seek damages in a civil court and thus, 'attempts by unsuccessful tenderers with imaginary grievances, wounded pride and business rivalry, to make mountains out of molehills of some technical/procedural violation or some prejudice to self, and persuade courts to interfere by exercising power of judicial review, should be resisted.

* * *

42. We must begin by noticing that we are examining the case, as already stated above, on the parameters discussed at the inception. In commercial tender matters there is obviously an aspect of commercial competitiveness. For every succeeding party who gets a tender there may be a couple or more parties who are not awarded the tender as there can be only one L-1. The question is should the judicial process be resorted to for downplaying the freedom which a tendering party has, merely because it is a State or a public authority, making the said process even more cumbersome. We have already noted that element of transparency is always required in such tenders because of the nature of economic activity carried on by the State, but the contours under which they are to be examined are restricted as set out in Tata Cellular and other cases. The objective is not to make the Court an appellate authority

for scrutinising as to whom the tender should be awarded. Economics must be permitted to play its role for which the tendering authority knows best as to what is suited in terms of technology and price for them."

(emphasis supplied)

16. In Galaxy Transport Agencies v. New J.K. Roadways, (2021) 16 SCC 808, a three-Judge Bench again reiterated that the authority that authors the tender document is the best person to understand and appreciate its requirements, and thus, its interpretation should not be second-guessed by a court in judicial review proceedings. It was observed as thus: (SCC paras 17-18 & 20)

"17. In accordance with these judgments and noting that the interpretation of the tendering authority in this case cannot be said to be a perverse one, the Division Bench 18 ought not to have interfered with it by giving its own interpretation and not giving proper credence to the word "both" appearing in Condition No. 31 of the NIT. For this reason, the Division Bench's conclusion that JK Roadways was wrongly declared to be ineligible, is set aside.

18. Insofar as Condition No. 27 of the NIT prescribing work experience of at least 5 years of not less than the value of Rs 2 crores is concerned, suffice it to say that the expert body, being the Tender Opening

Committee, consisting of four members, clearly found that this eligibility condition had been satisfied by the Appellant before us. Without therefore going into the assessment of the documents that have been supplied to this Court, it is well settled that unless arbitrariness or mala fide on the part of the tendering authority is alleged, the expert evaluation of a particular tender, particularly when it comes to technical evaluation, is not to be second-guessed by a writ court. Thus, in Jagdish Mandal v. State of Orissa, (2007) 14 SCC 517, this Court noted: (SCC pp. 531-32, para 22)

22. Judicial review of administrative action is intended to prevent arbitrariness, irrationality, unreasonableness, bias and mala fides. Its purpose is to check whether choice or decision is made "lawfully" and not to check whether choice or decision is "sound". When the power of judicial review is invoked in matters relating to tenders or award of contracts, certain special features should be borne in mind. A contract is a commercial transaction. Evaluating tenders and awarding contracts are essentially commercial functions. Principles of equity and natural justice stay at a distance. If the decision relating to award of contract is bona fide and is in public interest, courts will not, in exercise of power of judicial review, interfere even if a procedural aberration or error in assessment or prejudice to a

tenderer, is made out. The power of judicial review will not be permitted to be invoked to protect private interest at the cost of public interest, or to decide contractual disputes. The tenderer or contractor with a grievance can always seek damages in a civil court. Attempts by unsuccessful tenderers with imaginary grievances, wounded pride and business rivalry, to make mountains out of molehills of some technical/procedural violation or some prejudice to self, and persuade courts to interfere by exercising power of judicial review, should be resisted. Such interferences, either interim or final, may hold up public works for years, or delay relief and succour to thousands and millions and may increase the project cost manifold. Therefore, a court before interfering in tender or contractual matters in exercise of power of judicial review, should pose to itself the following questions:

(i) Whether the process adopted or decision made by the authority is mala fide or intended to favour someone;

or

Whether the process adopted or decision made is so arbitrary and irrational that the court can say: 'the decision is such that no responsible authority acting reasonably and in accordance with relevant law could have reached';

(ii) Whether public interest is affected.

If the answers are in the negative, there should be no interference under Article 226. Cases involving blacklisting or imposition of penal consequences on a tenderer/contractor or distribution of State largesse (allotment of sites/shops, grant of licences, dealerships and franchises) stand on a different footing as they may require a higher degree of fairness in action.'

* * *

20. This being the case, we are unable to fathom how the Division Bench, on its own appraisal, arrived at the conclusion that the Appellant held work experience of only 1 year, substituting the appraisal of the expert four-member Tender Opening Committee with its own."

(emphasis supplied)

17. Therefore, the position of law with regard to the interpretation of terms of the contract is that the question as to whether a term of the contract is essential or not is to be viewed from the perspective of the employer and by the employer. Applying the aforesaid position of law to the present case, it has been the contention of Respondent 1 that the format for bank guarantee was not followed strictly by the State and that the relaxation given was not uniform, in that Respondent 1 was singled

out. The said contention has found favour with the courts below.”

95. In ***Jacob Puliye v. Union of India and others, (2024) 17 SCC 485***, the Hon’ble Supreme Court, while dealing with judicial review of public health policy, has succinctly reiterated the limits of judicial interference in policy matters in the following terms:

“25. We shall now proceed to analyse the precedents of this Court on the ambit of judicial review of public policies relating to health. It is well-settled that the Courts, in exercise of their power of judicial review, do not ordinarily interfere with the policy decisions of the executive unless the policy can be faulted on grounds of mala fide, unreasonableness, arbitrariness or unfairness, etc. Indeed, arbitrariness, irrationality, perversity and mala fide will render the policy unconstitutional. It is neither within the domain of the courts nor the scope of judicial review to embark upon an enquiry as to whether a particular public policy is wise or whether better public policy can be evolved. Nor are the courts inclined to strike down a policy the behest of a petitioner merely because it has been urged that a different policy would have been fairer or wiser or more scientific or more logical²⁰. Courts do not and cannot act as appellate authorities examining the correctness, suitability and appropriateness of a policy, nor are courts advisors to the executive on

matters of policy which the executive is entitled to formulate. The scope of judicial review when examining a policy of the Government is to check whether it violates the fundamental rights of the citizens or is opposed to the provisions of the Constitution, or opposed to any statutory provision or manifestly arbitrary.

26. This Court in a series of decisions has reiterated that courts should not rush in where even scientists and medical experts are careful to tread. The rule of prudence is that courts will be reluctant to interfere with policy decisions taken by the Government, in matters of public health, after collecting and analysing inputs from surveys and research. Nor will the courts attempt to substitute their own views as to what is wise, safe, prudent or proper, in relation to technical issues relating to public health in preference to those formulated by persons said to possess technical expertise and rich experience. Where expertise of a complex nature is expected of the State in framing rules, the exercise of that power not demonstrated as arbitrary must be presumed to be valid as a reasonable restriction on the fundamental right of the citizen and judicial review must halt at the frontiers. The Court cannot re-weigh and substitute its notion of expedient solution.

27. Within the wide Judge-proof areas of

policy and judgment open to the Government, if they make mistakes, correction is not in court but elsewhere. That is the comity of constitutional jurisdictions in our Jurisprudence. We cannot evolve a judicial policy on medical issues. All judicial thought, Indian and Anglo-American, on the judicial review power where rules under challenge relate to a specialised field and involve sensitive facets of public welfare, has warned courts of easy assumption of unreasonableness of subordinate legislation on the strength of half-baked studies of judicial generalists aided by the ad hoc learning of the counsel. However, the court certainly is the constitutional invigilator and must act to defend the citizen in the assertion of his fundamental rights against executive tyranny draped in disciplinary power.

28. There is no doubt that this Court has held in more than one judgment that where the decision of the authority is in regard to a policy matter, this Court will not ordinarily interfere since decisions on policy matters are taken based on expert knowledge of the persons concerned and courts are normally not equipped to question the correctness of a policy decision. However, this does not mean that courts have to abdicate their right to scrutinise whether the policy in question is formulated keeping in mind all the relevant facts and the said policy can be held to be beyond the pale of discrimination or

unreasonableness, bearing in mind the material on record. In DDA, this Court held that an executive order termed as a policy decision is not beyond the pale of judicial review. Whereas the superior courts may not interfere with the nitty-gritty of the policy, or substitute one by the other but it will not be correct to contend that the court shall lay its judicial hands off, when a plea is raised that the impugned decision is a policy decision. Interference therewith on the part of the superior court would not be without jurisdiction as it is subject to judicial review. It was further held therein that the policy decision is subject to judicial review on the following grounds:

28.1. If it is unconstitutional.

28.2. If it is dehors the provisions of the Act and the regulations.

28.3. If the delegatee has acted beyond its power of delegation.

28.4. If the executive policy is contrary to the statutory or a larger policy.”

96. Very recently, the Hon’ble Odisha High Court in **Sanjib Kumar Mohanty and others v. State of Odisha and others, 2024(I) ILR-CUT22**, has considered the legality of the action of the State authorities in relation to regulation of saw mills and wood-based industries in the context of the governing statutory framework, the environmental concerns underlying such regulation and the effect

of the directions issued in the ***T.N. Godavarman Thirumulpad's*** line of cases. While dealing with the said controversy, the Hon'ble Bench emphasized the primacy of environmental protection and forest conservation in matters concerning regulation of wood-based industries and reiterated the limited scope of judicial interference in policy and regulatory measures adopted in furtherance of ecological and forest protection, by holding as under :-

“12. Before parting with the case, this Court deems it apposite to make a mention that in the name of rehabilitation of closed saw mills, the State authorities including the forest officers, cannot and should not act detrimental to the interest of the public at large, which affects the public policy and very well come in realm of judicial review. Therefore, the forest department has to ensure that in the name of rehabilitation of closed saw mills, the forest resources made available should not be destroyed. In the event of any destruction thereof, the authorities, who are in the helm of affairs, should be put to task, because the human habitation are now facing severe crisis for their survival in a healthy environment, which should not be jeopardized further in any manner. In the interest of justice, equity and fair-play, both the human habitation and the forest growth simultaneously should have a healthy atmosphere and environment, as

because any damage caused to the forest resources would definitely jeopardize human habitation.

13. This Court hopes and trusts, the committee which has been constituted should take care of the above mentioned aspects, when we are facing acute pollution of air and water. The burning example before this Court is New Delhi, capital of India, suffers from acute air pollution. Had there been enough growth of forest, this air pollution could have been averted. Similarly, the State of Orissa, mainly its capital, Bhubaneswar is heading towards similar problem which is faced in New Delhi, may be within a short span of time. Therefore, now time has come for all the stake holders to act strictly in consonance with the provisions of law to give better environment for survival of human habitation, and that to allow human beings to live with dignity in consonance with Article 21 of the Constitution of India. The primary objective is survival of human habitation, which should not be lost sight of, while considering the rehabilitation of the closed saw mills and also notification issued for consideration of the State Level Committee for taking decision regarding grant of license/permission to the wood based industries subject to compliance of the prescribed guidelines and procedures issued by Ministry of Environment, Forest and Climate Change, Government of India, New Delhi.”

97. Reverting to the facts of the present batch of cases in the light of the aforesaid judicial pronouncements, this Court finds that the impugned decision of the State Government culminating in Notification dated 25.09.2025, whereby all areas falling within an aerial distance of 10 kilometres from the boundary of the nearest notified forest or protected area have been declared prohibited areas for the purposes of regulation of saw mills and wood-based industries, is essentially a policy determination founded upon environmental considerations, forest conservation imperatives, statutory regulation and expert assessment. The impugned measure is not an isolated executive fiat but a decision taken in a specialized regulatory field governed by the Adhiniyam of 1984, the Wood Based Industries (Establishment and Regulation) Guidelines, 2016 as amended, and the larger framework of environmental governance shaped by the directions of the Hon'ble Supreme Court in ***T.N. Godavarman Thirumulpad*** (supra).
98. The principles laid down by the Hon'ble Supreme Court in ***N.G. Projects Limited*** (supra), and ***Jacob Puliyel*** (supra) leave no manner of doubt that policy decisions taken by the executive in matters involving technical expertise, economic or regulatory evaluation, environmental protection or public welfare are not to be interfered with merely because another view is possible, or because such decision may entail adverse civil or commercial consequences for a section of persons affected thereby. The

scope of judicial review in such matters is confined to examining whether the impugned decision is unconstitutional, contrary to the statute, vitiated by mala fides, manifest arbitrariness, irrationality, perversity, procedural impropriety or lack of jurisdiction. A writ court does not sit in appeal over the wisdom, desirability or comparative merits of the policy itself.

- 99.** Tested on the anvil of the aforesaid parameters, this Court finds that the petitioners have failed to demonstrate any constitutional, statutory or jurisdictional infirmity in the impugned Notification dated 25.09.2025 or in the consequential order dated 07.11.2025. No material of any probative worth has been placed on record to establish that the impugned action is arbitrary, discriminatory, mala fide or bereft of any rational nexus with the object sought to be achieved, namely regulation of wood-based industries in the interest of forest conservation, ecological protection and sustainable environmental governance. On the contrary, the object and purpose of the Notification are directly aligned with the constitutional mandate under Articles 48-A and 51-A(g), the statutory framework of the Adhiniyam of 1984 and the environmental principles recognised in ***Sachidanand Pandey*** (supra), ***T.N. Godavarman Thirumulpad*** (supra) and ***Jacob Puliyeel*** (supra). It is equally well settled that a precedent cannot be read as though it were a statutory text and that every decision must be understood in the factual context in which it was rendered.

100. The judgments relied upon by the petitioners do not, upon close scrutiny, lay down any proposition which would render the impugned Notification ultra vires, unconstitutional or otherwise unsustainable in law. Those decisions turn on their own facts, statutory setting or nature of challenge. None of them dilute the settled principle that where the State, acting within the four corners of its statutory authority and on the basis of relevant considerations, formulates a policy in a technical or specialised field in larger public interest, the Court would be slow to interfere unless the decision is demonstrably arbitrary, mala fide or contrary to law. Rather, the line of authority in ***N.G. Projects Limited*** (supra) and ***Jacob Puliye*** (supra) reinforces judicial restraint in relation to expert-driven and policy-based determinations.

101. This Court is also unable to overlook that the subject matter of the present controversy lies at the intersection of environmental regulation, forest governance and industrial control. In such matters, the Court is required to remain conscious of the distinction between judicial review and appellate scrutiny. The Court is not concerned with whether some other distance norm may also have been possible, whether a lesser radius could have been prescribed, or whether the economic impact upon individual licensees could have been mitigated differently. Those are matters falling within the province of policy and executive assessment. What falls for examination in judicial review is only whether the

policy is lawful, constitutionally permissible, supported by the statute and informed by relevant considerations.

102. Once it is found that the decision has a rational nexus with the object sought to be achieved and is not shown to be arbitrary or mala fide, judicial review must stop at that threshold. In the present batch of cases, the statutory framework under the Adhiniyam of 1984 clearly vests the State Government with authority to regulate saw mills and wood-based industries and to declare prohibited areas in furtherance of forest conservation and environmental protection. The Notification dated 25.09.2025 has been issued in exercise of powers under Section 5(1) of the said Adhiniyam of 1984 and is therefore directly traceable to the source of statutory power. The legislative object underlying the enactment is to regulate wood-based industries in a manner consistent with preservation of forest resources.

103. Therefore, the exercise of power by the State Government in issuing the impugned Notification cannot be said to be dehors the statute, lacking in competence or beyond jurisdiction. The material placed before this Court further indicates that the impugned policy is the outcome of a conscious decision-making process undertaken by the competent authority in the backdrop of the prevailing regulatory regime governing wood-based industries, the amended Guidelines of 2016, the concept of prohibited areas and the need to maintain a safe and uniform distance from notified

forests and protected areas. The prescription of a uniform aerial-distance norm appears to have been adopted as a regulatory standard so as to ensure consistency, certainty and enforceability in implementation across the State. Merely because such a standard may incidentally operate harshly against some existing operators cannot be a ground to invalidate the policy itself, so long as the standard bears a reasonable nexus with the object of forest conservation and is not shown to be capricious or irrational.

- 104.** The contention of the petitioners that the impugned Notification results in grave commercial prejudice, closure of existing units or denial of renewal of licences also cannot, by itself, furnish a ground for interference under Article 226 of the Constitution. It is trite that where competing interests of private commercial convenience and larger public interest in environmental protection are involved, the latter must ordinarily prevail, subject of course to the action being otherwise lawful and intra vires. Economic hardship, loss of business opportunity or adverse financial consequences to a class of licensees, however genuine, cannot eclipse the overriding necessity of forest conservation and ecological balance, particularly in a sector inherently linked with extraction and utilization of forest resources. As noticed in ***T.N. Godavarman Thirumulpad*** (supra), the regulatory control of wood-based industries is integrally connected with the larger object of arresting depletion of forest cover and preserving environmental equilibrium.

105. This Court is also of the considered view that in matters concerning environmental regulation and forest protection, the State is not only entitled but constitutionally obliged to adopt precautionary and preventive measures. The doctrine of sustainable development, the precautionary principle and the public trust obligations of the State are no longer alien concepts in Indian environmental jurisprudence. If the State, acting through its competent authorities and within the framework of the statute, adopts a regulatory measure intended to minimize potential adverse impact upon forests and protected areas, such measure must receive due deference unless it is shown to be manifestly arbitrary, wholly unsupported by law or violative of constitutional guarantees. No such infirmity has been demonstrated in the present case.

106. Accordingly, this Court finds no merit in the challenge raised to the Notification dated 25.09.2025 (Annexure P/1) or to the consequential order dated 07.11.2025 (Annexure P/2). Both the impugned actions are found to be within the competence of the State authorities, supported by the statutory provisions of the Adhiniyam of 1984, and justified by the object sought to be achieved, namely protection and conservation of forests, regulation of wood-based industries and maintenance of ecological balance through a sustainable regulatory regime.

107. For all the reasons recorded hereinabove, this Court holds that

the petitioners have failed to make out any case warranting interference under Article 226 of the Constitution of India, particularly in view of the limited scope of judicial review laid down in ***N.G. Projects Limited*** (supra), ***T.N. Godavarman Thirumulpad*** (supra), ***Jacob Puliyeel*** (supra) and the recent reiteration of environmental primacy by the Hon'ble Odisha High Court in ***Sanjib Kumar Mohanty*** (supra).

108. Before parting with the matter, this Court also considers it apposite to notice that a Co-ordinate Bench of this Court, while dealing with a similar challenge to the very same Notification dated 25.09.2025 in W.P.(C) No.466 of 2026 and connected matters, by order dated 05.02.2026, after taking into account the rival submissions advanced by the parties, the provisions contained in the Wood Based Industries (Establishment and Regulation) Guidelines, 2016 as amended in 2017, the recommendations of the State Level Committee and the stand of the State Government as well as the Union of India, was not inclined to grant interim protection in favour of the petitioners therein. While declining interim relief, the Co-ordinate Bench took note of the amendment made in Clause 7(ii) of the Guidelines and also the alteration in the regulatory position concerning the role of the State Level Committee under the amended framework.

109. It is true that the aforesaid order of the Co-ordinate Bench was passed at the interlocutory stage and does not finally determine

the rights of the parties or conclude the issues involved in the present batch of petitions. Nevertheless, the same constitutes a relevant circumstance which cannot be completely brushed aside, particularly when the challenge in both sets of proceedings arises from the same Notification and is founded on substantially similar grounds. The fact that even at the interlocutory stage the Co-ordinate Bench did not find a *prima facie* case warranting suspension of the operation of the impugned Notification lends some support to the conclusion independently reached by this Court upon a full consideration of the pleadings, statutory provisions and material brought on record.

- 110.** This Court, however, clarifies that its present conclusions are founded upon an independent examination of the entire controversy on merits and not merely upon the earlier interlocutory order of the Co-ordinate Bench. Upon such independent scrutiny, this Court finds that the challenge mounted by the petitioners is essentially directed against the wisdom of the State policy itself rather than against any demonstrable illegality in the exercise of power. The petitioners have not been able to show that the decision-making process was vitiated by non-consideration of relevant factors, consideration of extraneous matters, colourable exercise of power, violation of statutory procedure, hostile discrimination or manifest unreasonableness. In the absence of such foundational infirmities, the impugned Notification cannot be interdicted merely because its operation

has serious consequences for existing saw mills situated within the prohibited area.

111. Considering the overall facts and circumstances of the present batch of writ petitions, the nature of the challenge raised, the object sought to be achieved by the Chhattisgarh Kashtha Chiran (Viniyaman) Adhiniyam, 1984, the statutory powers vested in the State Government under Section 5 thereof, the regulatory framework governing wood-based industries, the constitutional obligation of the State to protect forests and ecological resources, and the principles of sustainable development and environmental governance recognized by the Hon'ble Supreme Court, this Court is of the considered opinion that the petitioners have failed to establish any legal basis for invoking the extraordinary writ jurisdiction of this Court so as to annul the impugned policy decision.

112. This Court is further satisfied that the Notification dated 25.09.2025 (Annexure P/1), issued by the Forest and Climate Change Department, Government of Chhattisgarh in exercise of powers conferred under Section 5(1) of the Adhiniyam of 1984, has been promulgated by the competent authority in accordance with law and for the avowed purpose of protection and conservation of forests and environment. The said Notification bears a direct and reasonable nexus with the object sought to be achieved by the parent enactment, namely regulation of wood-

based industries and preservation of forest resources. The prescription of a 10-kilometre aerial-distance criterion from the boundary of the nearest notified forest or protected area is clearly traceable to the regulatory framework governing wood-based industries and cannot be characterized as arbitrary, irrational, mala fide, discriminatory or dehors the statutory scheme. Equally, the consequential order dated 07.11.2025 (Annexure P/2), issued by the Licensing Officer-cum-Divisional Forest Officer, Rajnandgaon Forest Division, merely implements and gives effect to the legal consequences flowing from Annexure P/1. The said order does not create any independent restriction nor does it travel beyond the scope of the parent Notification; rather, it identifies the saw mills falling within the prohibited area and enforces the statutory consequences contemplated under Section 5(2) of the Adhiniyam of 1984. No material has been brought on record to establish that either Annexure P/1 or Annexure P/2 suffers from any jurisdictional error, procedural impropriety, arbitrariness, mala fides or violation of any constitutional or statutory provision.

- 113.** Consequently, the Notification dated 25.09.2025 (Annexure P/1) and the consequential order dated 07.11.2025 (Annexure P/2) are held to be legal, valid, intra vires and fully within the competence of the authorities concerned. The challenge mounted against both the aforesaid actions, therefore, fails and is accordingly rejected.

114. In the result, all the writ petitions, being devoid of merit, deserve to be and are accordingly **dismissed**.

115. All pending interlocutory applications also stand disposed of.

116. There shall be no order as to costs.

Sd/-
(Amitendra Kishore Prasad)
Judge

Yogesh

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
06.05.2026	06.07.2026	-----	06.07.2026

Head-Note

A policy decision prescribing a distance norm/prohibited area for saw mills and other wood-based industries, taken in exercise of statutory power and founded on environmental considerations, expert inputs and the governing regulatory framework, is not ordinarily amenable to interference in writ jurisdiction. In the absence of arbitrariness, mala fides, lack of jurisdiction or violation of any constitutional or statutory provision, the Court would not interfere merely because such decision results in adverse commercial consequences to a section of operators.