

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

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

-
WRIT APPEAL No. 835 OF 2015

Date: 08.09.2015

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Between:

The Divisional Forest Officer,
Nizamabad, Nizamabad District
& others.

... Appellants

And

Sri M.A. Jaleel Saw Mill, rep., by its Proprietor,
Banswada, Nizamabad.

... Respondents

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

WRIT APPEAL No. 835 OF 2015

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

This writ appeal is directed against the order, dated 05.12.2014, passed on an application bearing W.P.M.P.No.38541 of 2014 in W.P.No.30833 of 2014, whereby application has been allowed and appellant No.1 is directed to permit the writ petitioner to run the saw mill-cum-depot by issuing a temporary license and transit permit for timber, pending the writ petition.

We have perused the order. After hearing both learned counsel for the parties when we expressed our *prima facie* opinion, learned counsel for the parties, in particular learned counsel for the writ petitioner, stated that we need not record the reasons for setting aside the impugned order and direct learned Single Judge to hear W.P.M.P.No.38541 of 2014 afresh.

Having regard to the over all facts and circumstances of the case and the submissions of learned counsel for the parties, we are satisfied that the following order will meet the ends of justice.

- "1. The impugned order, dated 05.12.2014, is set aside and W.P.M.P. No.38541 of 2014 is restored to file.
2. Learned Single Judge is requested to hear and decide

W.P.M.P.No.38541 of 2014 afresh and/or to decide the writ petition itself finally on merits. It is needless to mention that the parties shall cooperate for disposal of W.P.M.P.No.38541 of 2014 or writ petition itself on the date fixed by learned Single Judge. All contentions on merits are kept open. It is open to the parties to apply for fixed date of hearing before the learned Single Judge.”

Writ appeal is accordingly allowed.

Miscellaneous petitions, if any, shall stand closed.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Date: 08.09.2015
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