

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

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**WRIT PETITION Nos.32062 & 32279 of 2015**

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**COMMON ORDER:**

Heard the learned counsel for petitioners and the learned Government Pleader for Forests for respondents.

2. These two Writ Petitions are filed challenging the proceedings of the Divisional Forest Range Officer, Guntur dated 09.03.2015 and the Divisional Forest Range Officer, Kurnool dated 30.06.2015 respectively refusing to grant permission to shift saw mills of the petitioners within five kilometers radius.

3. The learned counsel for the petitioners submits that the issue is no longer *res integra* and a Division Bench of this Court in **Divisional Forest Officer, Kaghaznagar v. Sree Venkateswara Saw Mills** already held that what was prohibited is setting up of a new saw mill within a distance of 5 kilometers from the boundary of any forest and that the same had no application to an existing saw mill within such distance which could be shifted to another location. The said judgment was followed by a learned single Judge of this Court in W.P.No.16900 of 2012 dated 15.03.2013.

4. In the light of the said orders, the impugned orders in the present Writ Petitions are set aside and the Divisional Forest Range Officer, Guntur and the Divisional Forest Range Officer, Kurnool are directed to reconsider the applications filed by the petitioners in accordance with the law laid down in the said judgments and pass fresh orders within a period of 30 days from the date of receipt of a copy of this order.

5. The Writ Petitions are, accordingly, allowed. No order as to costs.

Miscellaneous Petitions, if any pending, shall stand closed.

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**A.RAMALINGESWARA RAO, J**

Date: 07.10.2015

TJMR