

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

WRIT PETITION No. 18635 OF 2015

BETWEEN

M/s. Srinivas Saw Mill, Mancherial,
Rep. by its Prop. V.Janardhan Reddy

...Petitioner

And

The State of Telangana,
Rep. by its Principal Secretary,
Forest Department, Secretariat,
Hyderabad and ors.

...Respondents

DATE OF JUDGMENT PRONOUNCED: 21.08.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

1. Whether reports of Local newspapers
may be allowed to see the judgments?
YES/NO

2. Whether the copies of judgments may be
marked to Law Reporters/Journals.
YES/NO

3. Whether Their Ladyship/Lordship wish to

see the fair copy of the Judgment ?
YES/NO.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 18635 of 2015

ORDER:

Heard learned Counsel for the petitioner, learned Government Pleader for respondents 1 to 4 and learned Counsel for the fifth respondent. This Writ Petition is being disposed of with the consent of the parties on either side.

The petitioner is a saw mill and the licence given by the third respondent in its favour was renewed from time to time and is valid up to 2014. Thereafter an application was made for renewal of licence by paying necessary fee for the year 2015 also. It appears that the proprietor of the petitioner-saw mill entered into an agreement with the fifth respondent on 5.3.2014 for running the petitioner-saw mill. During the period of the said agreement, some irregularities were noticed. The petitioner appears to have made a complaint to the fourth respondent-Forest Range Officer on 31.7.2014, based on which, the Deputy Range Officer, Mancheri conducted an inspection of the petitioner-sawmill on 18.8.2014. Thereafter a show cause notice was issued by the third respondent on 24.09.2014 calling upon explanation from the petitioner-sawmill with regard to the alleged irregularities. The petitioner submitted its explanation on 8.10.2014 to the third respondent. After conducting an enquiry, the third respondent passed the impugned order on 2.5.2015 cancelling the licence of the petitioner-sawmill and confiscating

the sawmill together with machinery. Challenging the said order, the petitioner preferred an appeal to the second respondent on 11.5.2015 along with stay petition. When the stay petition was not considered and disposed of, the present Writ Petition is filed.

In the present Writ Petition, the petitioner not only sought for relief of setting aside the order dated 2.5.2015 passed by the third respondent, but also sought for further direction to the third respondent not to release the timber lying in the petitioner-sawmill in favour of the fifth respondent.

Fifth respondent filed a counter affidavit denying the allegation that the petitioner has been taking his assistance for running the saw mill and maintenance of accounts. It is stated that the alleged agreement dated 5.3.2014 was said to have been created to see that the licence of the petitioner-sawmill is not cancelled and the machinery is not confiscated. It is further stated that pursuant to the inspection made on 18.8.2014 certain variations in the stock were noticed and during the course of enquiry, he submitted a representation to the authorities stating that the said timber was purchased by him (fifth respondent) through Government Depots after obtaining permits. It is further stated that the said timber was cut into certain sizes and requested the authorities to release the same.

It is also stated that the third respondent passed an order on 2.5.2015 only cancelling the licence and confiscating the sawmill together with machinery but not confiscating the timber and hence no order should be passed prohibiting release of the timber. He further stated that a letter was issued by the Forest

Range Officer on 8.6.2015 to the petitioner as well as the fifth respondent for making inspection of the petitioner-sawmill in order to verify the material and identify the bonafides of the claim of the ownership of the timber

A separate counter affidavit is filed on behalf of respondents 1 to 4 justifying the passing of impugned order dated 2.5.2015

In view of the facts narrated in the impugned order dated 2.5.2015 and filing of the appeal against the said order, which is pending consideration before the second respondent, this Court is not inclined to go into merits or otherwise of the subject matter. The learned Counsel for the petitioner submits that if a direction is given to the second respondent for early disposal of the appeal, it would serve the purpose and ends of justice would be met; whereas the learned Counsel for the fifth respondent submits that the timber lying in the petitioner-sawmill belongs to the fifth respondent and relief sought for by the petitioner in the writ petition restraining release of timber may not be granted.

It is clear from the documents filed along with the Writ Petition that the Forest Range Officer issued a letter on 8.6.2015 for conducting inspection of the timber lying in the petitioner-sawmill and verifying the bonafide title of the fifth respondent in respect of the timber claimed by him. In the circumstances, this Court is reluctant to express any opinion on the title of the timber lying in the petitioner-sawmill. However, considering the fact that the appeal preferred by the petitioner is pending adjudication, this Court deems it appropriate to direct the second respondent to consider the appeal preferred by the

petitioner against the order dated 2.5.2015 and dispose of the same, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after affording due opportunity to the petitioner. Accordingly there shall be an order. However, it is needless to mention that it is open for the Forest Range Officer, Mancheri, fourth respondent herein, to proceed with the inspection and verification of the title of the timber lying in the petitioner-sawmill in pursuance of his letter dated 8.6.2015.

Subject to the above, the Writ Petition is disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 21st August, 2015.
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