

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 19350 of 2015

DATED 8th July, 2015

BETWEEN

M/s. 3F Industries Limited
Tadepalligudem, WG District,
Rep. by its Vice President (Coordination)
Sri A.K.S. Murthy

....Petitioner

And

State of Andhra Pradesh,
Department of Forest and Environment,
Rep. by its Principal Secretary,
Secretariat, Hyderabad and ors.

...Respondents.

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ORDER:

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Heard learned Counsel for the petitioner and learned Government Pleader for the respondents.

The petitioner is a manufacturer of Edible oils, Vanaspathi etc., For the said purpose, it used to purchase Sal Seeds, Mango Kernel which are minor forest produce from the States of Odisha, Jharkhand, West Bengal and Chattisgarh and transports the same to its factory through lorries by road. The lorries with said forest produce have to pass through the check post at Salur or Itchapuram or Parvathipuram to enter the State of Andhra Pradesh. The relevant rules which are applicable for

movement of forest produce from one State to other States or within the State is governed by the A.P. Forest Produce Transit Rules, 1970 framed in exercise of powers conferred under Section 29 read with Section 68 of the A.P. Forest Act, 1967. In view thereof, the Divisional Forest Officer or an officer duly authorized by him shall issue permit in Form-I in respect of the forest produce to be moved from forest areas or Government timber depots and in Form-2 in all other cases. The petitioner submitted representations on 6.6.2009, 9.5.2012 and 15.5.2012 seeking transit permits for importing the Sal Seed from the neighbouring States. The second respondent also issued proceedings dated 4.7.2012 to respondents 3 and 4 requesting them to take necessary action on the issue of transit permits to the petitioner as per the rules in vogue. Be that as it may, it appears that the States of Odisha and Chattisgarh have recently liberalized the trade in minor forest produce and thereby removed the Sal Seed from the list of specific forest produce and got included in the list of minor forest produce. Consequently, the transit permits were not being issued by those States. However, the transit permits issued by respondents 3 and 4 are required for the entry of the vehicles into the State of Andhra Pradesh. With regard to the source of purchase, the authorities can as well verify the way bill, permits issued by the Commercial Tax Departments of the respective States, Market Committee Fee Receipt and other documents like invoice etc.,. It is the case of the petitioner that nearly 100 lorries will be in movement in order to transport the said forest produce and when respondents 3 and 4 are not taking any action for issuance of transit permits, the present Writ Petition

is filed.

The learned Government Pleader on the basis of the written instructions submits that while the Sal Seeds forest produce is being transported from the Odisha State through six lorries, the concerned officials checked the said lorries at Salur check post and it was noticed that they did not have transit permits in Form-II as required under the A.P. Forest Produce Transit Rules, 1970 and hence they were detained at the boarder. After verifying the other documents, the Divisional Forest Officer, Vizianagaram was recommended through Forest Range Officer, Salur on 29.6.2015 for issue of necessary permits and accordingly transit permits were issued with validity up to 15.7.2015.

The learned Counsel for the petitioner, after the above submissions made by the learned Government Pleader based on the written instructions, submits that the petitioner submitted representation on 4.7.2015 to the Divisional Forest Officer through Forest Range Officer, Salur requesting for issuance of 100 transit permits on payment of appropriate fee for movement of Sal Seed being supplied by its dealers/suppliers/Merchants of Chattisgarh and Odisha States.

It appears that the petitioner's factory is situated at Tadepalligudem, West Godavari District and the lorries with forest produce have to pass through check post situated at Odisha-Andhra Pradesh border in Srikakulam District. The minor forest produce will be brought to the State of Andhra Pradesh by the petitioner after purchase of the same from its

Dealers/suppliers/merchants of Chattishgarh and Odisha States. Detaining of said lorries at the check post on the ground that they did not carry transit permits would hamper production activity of the petitioner's unit. The petitioner submits that the States of Odisha and Chattishgarh dispensed with the issuance of transit permits in view of the change in rules. In the circumstances, respondents 3 and 4 are directed to verify other documents available with the transporters in order to issue necessary transit permits for entry of the lorries in the State of Andhra Pradesh and take necessary action in that regard within twenty four hours from the date of entry of the lorries at the respective border points of Andhra Pradesh. It is needless to observe that the third respondent shall consider the representation of the petitioner dated 4.7.2015 and pass appropriate orders thereon in regard thereto. In case if any lorry does not have required proof of purchase, it is open for respondents 3 and 4 to pass appropriate orders in that regard.

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.

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JUSTICE A.RAMALINGESWARA RAO

Dated 8th July, 2015.
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