

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.28854 of 2009

Date:15.7.2015

Between:

Sri Rama Enterprises Saw Mill,
reptd., by Sri R.Sravana Kumar

..... Petitioners

And

The Divisional Forest Officer,
Medak District and three others.

.....Respondent

Counsel for the Petitioner: Smt Akella Padma

Counsel for the Respondent: GP for Forests (TS)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of the respondents in seizing the machinery of the petitioner-Saw mill without notice as illegal and arbitrary.

The averments in the affidavit, filed in support of the Writ Petition, show that the Writ Petition is filed on the premise that the petitioner's Saw mill license remained intact and that the petitioner's applications being made from time to time for renewal of the license are pending. However, the facts pleaded in the counter-affidavit and supported by material reflect a totally different picture. The averments in the counter-affidavit, filed by the Divisional Forest Officer, Medak-respondent No.1, would show that he has issued a show cause notice, dated 28.3.2006, calling upon the petitioner to

explain as to why the license granted to him against the order, dated 16.11.2002, of the Supreme Court in Writ Petition No.202 of 1995 should not be cancelled, to which the petitioner has submitted his explanation on 16.04.2006 and thereafter, an order in Rc.No.720/S3/2003, dated 19.05.2006, was passed by respondent No.1 cancelling the saw mill license.

No rejoinder is filed by the petitioner controverting these facts.

At the hearing, Smt Akella Padma, the learned counsel for the petitioner, made an attempt to convince this Court that her client had no knowledge of the show cause notice and the cancellation order. However, a copy of the show cause notice filed by the respondents along with the counter-affidavit shows an endorsement that the petitioner has received the same. That the petitioner has received the show cause notice is evident from the observation in the cancellation order, dated 19.5.2006, to the effect that the petitioner has submitted his explanation on 16.4.2006. Further, on the reverse side of the cancellation order, the petitioner's signature is found with '25.5.2006' mentioned as the date below his signature.

These facts would clinchingly establish that the petitioner had knowledge of issue of show cause notice as well as passing of the cancellation order and that he has received a copy of the cancellation order on 25.5.2006.

In the light of these facts, the premise on which this Writ Petition is filed has turned out to be baseless. Therefore, the Writ Petition is dismissed.

As a sequel to the dismissal of the Writ Petition,

interim order, dated 31.12.2009, in WPMP.No.37468 of 2009 is vacated and WPMP.No.37468 of 2009 is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*15th July 2015
DR*