

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.32094 of 2015

ORDER:

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

2. This Writ Petition is filed challenging the action of the respondents in not considering the application of the petitioner dated 28.02.2015 for according permission to shift his saw mill within five kilometers radius.

3. The learned counsel for the petitioner 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, this Writ Petition is disposed of directing the fourth respondent to consider the application of the petitioner dated 28.02.2015 in accordance with the law laid down in the said judgments and pass appropriate orders within a period of 30 days from the date of receipt of a copy of this order. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 07.10.2015

TJMR