

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.36192 of 2015

ORDER :

Heard the Counsel for petitioner, and the learned Government Pleader for Forests.

2. The petitioner is a proprietor of a saw mill which was established in the year 1988. He was issued a show-cause notice in the year 1996 for confiscation of the timber and saw mill under the Andhra Pradesh Sawmill (Regulation) Rules, 1969 (for short, 'the Rules'), alleging that huge quantity of illicit timber had flowed into saw mills in Nizamabad under fake and forged permits in 1993-94.

3. The petitioner questioned the same before this Court along with other saw mill owners in WP.No.22314 of 1996 and batch. The said Writ Petition was allowed on 11.12.1996.

4. Later, another show-cause notice was issued in February, 1997 to petitioner making some allegations and threatening same action of confiscation. The petitioner and others filed WP.No.4301 of 1997 and batch to quash the second show-cause notice. This Writ Petition was allowed on 16.06.1997.

5. Later, a third show-cause notice dt.04.08.1997 was also issued to petitioner proposing the same action of

confiscation under the depot rules. The petitioner and other saw mill owners filed WP.Nos.8382/97 and 20038/97. These Writ Petitions were allowed on 20.03.1998, and the same was upheld by a Division Bench of this Court by order dt.17.11.1998 in W.A.No.1655 of 1998 and batch.

6. The petitioner applied for license to run the saw mill under the above Rules after they were made applicable to Nizamabad town in 1998. The same was rejected on 24.11.1998 on the ground that certain criminal cases were registered against the petitioner and they were pending.

7. The petitioner then filed W.P.No.34514 of 1998 and batch, questioning the legality of the said rejection order.

8. Interim orders were granted on 11.12.1998 directing the Divisional Forest Officer, Nizamabad to consider the application of petitioner for grant of license without reference to the criminal case registered against the petitioner.

9. However, again petitioner's application for saw mill license was rejected on 11.01.1999 on a new ground of non-submission of certain documents.

10. The petitioner contends that these documents had already been submitted. The petitioner filed WP.No.7476

of 1999 and batch for consideration of petitioner's application for grant of saw mill license and they were disposed of on 03.04.1999 directing the respondent to consider the application of petitioner for grant of saw mill license since the same had not been considered on merits.

11. Thereafter, another order dt.26.11.1999 was passed by respondent again rejecting petitioner's request for grant of saw mill license on another ground. The petitioner then filed WP.No.26864 of 1999 before this Court which was allowed, and a direction was given to respondent to grant saw mill license to the petitioner. The said order was challenged in W.A.No.42 of 2003 by respondent before the Division Bench. The Division Bench by order dt.27.03.2003 upheld the action of respondent in rejecting the application of petitioner for grant of saw mill license in view of the pendency of criminal cases.

12. The petitioner contends that subsequent thereto C.C.No.30 of 2002, filed against petitioner before the Judicial Magistrate of First Class, Special (Mobile), Nizamabad, was dismissed on 22.09.2006 acquitting petitioner, and that petitioner was also acquitted by Judicial Magistrate of First Class, Nizamabad in C.C.No.130 of 2003 by a judgment dt.31.07.2015.

13. The petitioner further contends that after these two

events took place he made application on 07.08.2015 requesting the respondent to grant the license in view of his acquittal in all the criminal cases filed against him. He alleges that even though the respondent received the same on 07.08.2015, no orders have been passed thereon till now. The petitioner alleges that the saw mill has been established more than two decades back and the respondent had granted licenses to several newly established saw mills and the action of respondent in not considering petitioner's application for grant of saw mill license is arbitrary, illegal and violates Article 14 and 19(1) (g) of the Constitution of India.

14. Since the petitioner has been acquitted in C.C.No.30 of 2002 as well as C.C.No.130 of 2003 and since no criminal cases are pending against petitioner, the respondent is not entitled to refuse to consider the application of petitioner for granting saw mill license under the said Rules on the ground that he is involved in criminal cases.

15. Therefore, the Writ Petition is disposed of directing the respondent to consider the application dt.07.08.2015 made by petitioner for grant of saw mill-cum-depot license within a period of three (03) weeks from the date of receipt of a copy of this order, and communicate his decision thereon to petitioner. No order as to costs.

16. As a sequel, miscellaneous petitions pending, if

any, in this Writ Petition shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 10-12-2015

Ndr/*