

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4761 OF 2016

Narayan Panchang Patel
age: 75 years, occu: business,
R/o Dharmabad
through Power of attorney
Shri Chandubhai Dayabhai Pokar
age: 56 years, occu: business
R/o Dharamabad, Dist. Nanded

Petitioner

Versus

1 The State of Maharashtra
through: Secretary,
Forest Department, Mantralaya,
Mumbai

2 Chief Conservator of Forest
Aurangabad region,
Aurangabad

3 The Deputy Conservator of Forest
Nanded

4 Range Forest Officer (T)
Bhokar, Dist. Nanded

Respondents

Mr.H.K. Mundhe advocate for the petitioner
Mr.V.M. Kagne, Assistant Government Pleader for Respondents

CORAM : ***R.M. BORDE &
K.L.WADANE, JJ***

(Date : 16th June, 2016.)

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Rule. With the consent of the parties, petition is taken up for final decision at admission stage.

2 The petitioner is challenging the action of the Deputy Conservator of Forest, Nanded of sealing saw-mill operated by the petitioner, without there being any valid cause. The petitioner contends that, the license to operate the saw mill has been renewed for the year 2016-2017. However, the original order of renewal has not yet been received by the petitioner. It is further contended that, merely on account of dispute raised by the landlord, the Deputy Conservator of Forest, Nanded has taken the impugned action.

3 It is not disputed before us that, the license has been renewed for operating the saw-mill for the year 2016-2017. It is also not brought to our notice that, the petitioner has violated any term of license or is guilty of commission of any irregularity or any offence punishable under the Forest Act. The action taken by the respondent Deputy Conservator of Forest is arbitrary and deserves to be quashed and set aside. The impugned action of sealing of the saw-mill, taken by the Deputy Conservator of Forest, as such is quashed and set aside. It is directed to de-seal the premises

and the machinery within a period of two weeks from today.

- 4 Rule is made absolute accordingly.
- 5 There shall be no order as to costs.

(K.L.WADANE, J)

(R.M.BORDE, J)

vbd