

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 17206 of 2016

ORDER:

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

2. Petitioner, who is running a Saw Mill by name M/s.Lakshmi Prasanna Saw Mil cum Timber Depot at Rajahmundry, was issued a show cause notice on 22.08.2015 calling for explanation as to why permission given for installation of additional machinery granted on 01.06.2011 should not be cancelled and said additional machinery should not be removed, for which it was given seven days time for submitting explanation. Petitioner submitted explanation on 07.09.2015 stating that Horizontal Saw Band Machine was established after getting all the required permissions from the District Forest Officer, third respondent, and therefore it may be permitted to operate the same continuously.

3. Learned counsel for the petitioner contends that though show cause notice was issued on 22.08.2015, for which petitioner submitted its explanation on 07.09.2015, and no final orders, as such, have been passed considering the explanation of the petitioner, the respondent authorities are threatening to seize the saw mill machinery. Learned counsel for the petitioner submits that the reference made to the Supreme Court order dated 29/30.10.2002 in W.P.(Civil) No.202/1995 is only in relation to unlicensed saw mill and has no application to the case of the petitioner. Learned counsel contends that, at any rate, without considering the explanation submitted by the petitioner and without

passing any final orders, no coercive action can be taken by the respondent authorities. On the other hand, learned Government Pleader opposed the writ petition.

4. It is apparent from the show cause notice issued by the respondent authorities, a reference was made to the order of the Supreme Court dated 29/30.10.2002 in Writ Petition (Civil) No.202/1995. Though learned counsel for the petitioner across the bar made several submissions with respect to applicability or inapplicability of the order of the Supreme Court, the explanation submitted by the petitioner is only laconic and does not meet the contents of the allegations in the show cause notice. This Court may also take notice of the various developments which have been taken place between 2002 to 2016. The Supreme Court in

T.N. Godavarman Thirumulpad vs. Union of India and Ors. ^[1]

passed series of orders after 2002 and based on the said orders, various executive instructions have been issued by the respective States.

5. In view of the fact that no final orders had been passed after issuance of the show cause notice dated 22.08.2015, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to submit its application to the respondent authorities taking into consideration of the various orders of the Supreme Court, referred supra, and also the executive instructions of the respondent authorities. If such an application is made within two weeks from today, the respondent authorities shall consider the same and pass appropriate orders, in accordance with law, deciding one way or the other as to whether the petitioner would be entitled to continue to operate the Horizontal Saw Band Machines

within a period of six weeks from the date of receipt of a copy of this order. Till such orders are passed by the respondent authorities, *status quo*, as existing, as on today shall be maintained.

With the above directions, the Writ Petition is disposed of. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

**JUSTICE CHALLA KODANDA
RAM**

June 3, 2016

Note:-

Furnish copy in two days.

**{B/o}
LMV**

[\[1\]](#) 2009(16) SCC 760