

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

**WRIT PETITION Nos.19665, 19728, 19738 AND
22371 OF 2017**

COMMON ORDER:

Since the subject matter in these four writ petitions is one and the same, these four writ petitions are disposed of by way of a common order.

2. The common grievance of the petitioners in these writ petitions is that the action of the respondents in not renewing their respective licenses for running the sawmills is illegal, arbitrary, violative of Article 14, 19(g) and 21 of the Constitution of India and also violative of principles of natural justice and consequently direct the respondents to re-issue/renew the license of the petitioners units.

3. Heard learned counsel for the respective petitioners in the four writ petitions and also the learned Government Pleader for Forests, representing the respondents 1 to 4 of W.P.No.22371 of 2017 and 1 to 5 of the other three writ petitions and Sri B.Jitender, learned standing counsel for 5th respondent in W.P.No.22371 of 2017 and 6th respondent in other three writ petitions.

4. Perused the prayer in the respective writ petitions with supporting affidavits and the expression of the Hon'ble Apex Court in ***T.N.Godavarman Thirumulpad Vs. Ashok Khot***

and Another¹, three judge bench and also the Central Empowerment Committee, originally constituted pursuant to the directions of the Apex Court in **T.N.Godavarman** supra in the W.P.(C).No.202 of 1995 and subsequently, the Central Empowerment Committee while continuing, the States were directed to constitute State Level Committees and pursuant to which State Level Committees were constituted and guidelines pursuant to the Apex Court directions formulated and one of which is covered by the Principal Chief Conservator of Forests, proceedings in reference No.56114/2005-V.3, dated 06.05.2013, as circular No.7 of 2013 pursuant to the above writ petition directions of the Apex Court and in compliance of the instructions therein and as per which with reference to the classification of those sawmills established prior to the filing of said writ petition and prior to the passing of the orders in the writ petition and prior to the communication of the orders in the writ petition to the District Forest Officers particularly in relation to the composite State of Andhra Pradesh and those established subsequent to the filing of the writ petitions and before communication, as sawmills and wood based industries all comprised together into 17 sub-categories starting from A1 to A17 depending upon the nature of the issues involved along with specific recommendations in a tabular form of the State Level Committee which consists of the Principal Chief Conservator of Forests as Chair Person, besides D.I.G.,

¹ (2006) 5 SCC 1

Wildlife, M.O.E.F., G.O.I., and Special Secretary to Government, E.F.S. & T. Department, as Members to scrutinize and recommend the proposals to be placed before the Central Empowerment Committee for their approval.

5. Later as per the final orders passed by the Hon'ble Supreme Court in the month of October 2015, the powers of the Central Empowerment Committee delegated to the State Level Committee fully with no further need of approval of the Central Empowerment Committee. The State Level Committee in its recommendations observed ultimately from the said 17 categories, as sawmills established before 30.10.2002, as categories 1 to 8 with sub-categories therein and sawmills established after 30.10.2002 under A12 to A15 categories among which while saying A13 to A15 categories are not entitled but for A12 category and other wood based industries under categories A9, A10, A11 and A17 and for Particle Boards/M.D.F/Paper Mill under another category and new carpentry units established after 30.10.2002 and peeling/veneer units in existing sawmills and shifting of sawmill and transfer of ownership and shifting as being recommended by the three men committee and plywood units without peeler-unit established prior to 30.10.2010, plywood, veneer, blockwood, particle board, M.D.F unit; plywood units (pressing/pasting unit) without veneer unit after 30.10.2002 and plywood-units (pressing/pasting unit) without veneer-unit using rubber or imported timber and authority competent to grant sawmill license to any type of wood based

industries after 30.10.2002 are covered by said circular number 07 of 2013.

6. It is pursuant to which after the bifurcation of the composite State of Andhra Pradesh into State of Telangana as new State and the remaining as State of Andhra Pradesh, the Government of Telangana, represented by its Principal Secretary to Government, issued G.O.Ms.No.203, Environment, Forests, Science & Technology (For.I) Department, dated 16.12.2016, whereunder it is mentioned from the Principal Chief Conservator of Forests of the T.S., Ltr.No.3540/2014/Prod-2, dated 29.10.2016 and dated 19.11.2016, in issuing the order which reads that the Ministry of Environment, Forests and Climate Change, Government of India, New Delhi, has framed the 'Wood Based Industries (Establishment and Regulation) Guidelines, 2016' and as per the orders of the Hon'ble Supreme Court of India, dated 05.10.2015, directed to constitute a State Level Committee with the members as stipulated in the guidelines in requesting the Government to constitute a state level committee for Telangana State, the Government constituted the State Level Committee for Telangana State with Principal Chief Conservator of Forests as Chairperson, Additional Chief Conservator of Forests (Central), Additional Principal Chief Conservator of Forests (Working Plan), as Members, Commissioner/Additional Director, Industries Department as also another Member, General Manager, Telangana State Forest Development Corporation Limited as another Member

and additional Principal Chief Conservator of Forests (Production) as Member Secretary.

7. The writ petitioners, in all the four writ petitions, are questioning the non-renewal of the license of the sawmills of the respective petitioners in existence since 2003 June and September respectively, that were granted originally till end of December 2003 and renewed according to them from time to time till 2004/2005 and subsequently there is a non-renewal or the cancellation of the subsisting license, despite the respective petitioners are paying the renewal fees. In the list of sawmills falling under the respective categories covered by annexure II, the names of the writ petitioners find place at S.No.67 as Sri Shaik Shasha, M/s.S.S.Sawmill & Timber Depot, No.2-136, Balaji Nagar, Ghatkesar, R.R.District, at Sl.No.132 as Md.Yousuf Shakeel, Indian Saw Mill, H.No. 8-5-46/3, Linegally, Nizamabad, at Sl.No.133 as Khaja Qutubuddin, Classic Saw Mill, H.No.7-14-1304/65/4, Bodhan Road, Nizamabad and at Sl.No.135 as Basheer Ahmed, Basheer Saw Mill, Bodhan Road, Nizamabad, respectively.

8. It is the submission of the learned Government Pleader and the learned standing counsel for the respective respondents supra that in view of the State Level Committee Constituted for the State of Telangana, under G.O.Rt.No.203, pursuant to the circular No.7 of 2013 also besides that of the Ministry of Environment, Wood Based Industries Guidelines,

2016, if a direction being issued, they may consider within the parameters of the Supreme Court and the Central Guidelines and the State Level Committee recommendations, if any.

9. Having regard to the above and pursuant to the above, all these four writ petitions are disposed of, directing the respondents to consider and dispose of the representations of the petitioners, by also enabling the petitioners within seven days from date of receipt of this order to submit fresh representations to the Chief Conservator of Forests being the Chair Person of the State Level Committee newly constituted under G.O.Rt.No.203, dated 16.12.2016, for placing before the State Level Committee and to take a decision which shall at any cost within two months and to pass appropriate orders pursuant thereto and communicate to the petitioners. Further grievance if any of the petitioners is left open.

10. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO, J

11.07.2017

Note: L.R. copy to be marked - Yes
B/o.SS