

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.36280 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue an order, direction or writ more particularly one in nature of Writ of Mandamus declaring the proceedings issued by the 3rd Respondent dated 30-09-2016, vide proceedings Ref.No.2613/2012-B4 as illegal, arbitrary, ultra vires, unconstitutional, contrary to well settled principle of law and consequently direct the 3rd Respondent to grant permission for shifting the Saw-Mill being run in the name and style of M/s Durga Vengamamba and Timber Depot, situated in Vidayadharpuram to premises situated in Sy.No.42/2, of plot Nos.7 & 8 in Ambapuram of Vijayawada Rural Mandal, which is also within 5 Kms radius of the nearest forest block of Kothoru Reserve Forest, being run under license No.176/2003.”

2. When the matter is called, it is represented by the learned counsel for petitioner so also the learned Government Pleader that the issue in the present writ petition is squarely covered by the order, dated 30.11.2015, in W.P.No.23471 of 2015 and a copy of the same is also placed on record as a material paper. In the said order, this Court held at paragraph No.18 as under:-

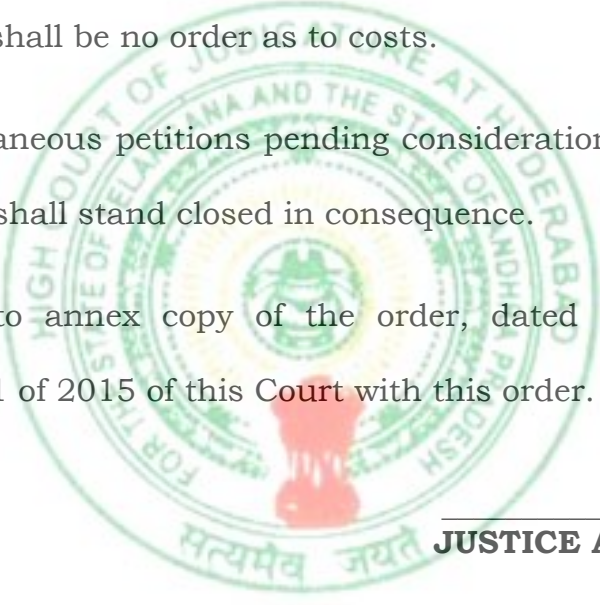
“Accordingly, the Writ Petition is allowed; the impugned order is set aside and 4th respondent is directed to accept the request of petitioner to record the change of ownership of the subject saw mill and also permit its shifting from R.S.No.220/6 of G.Konduru Village and Mandal to R.S.No.220/6A of G.Konduru Village and Mandal of Krishna District. This exercise shall be done within four (04) weeks from the date of receipt of a copy of this order. No costs.”

3. The above order is squarely applicable to the facts of the present case. Following the above said order and for the reasons recorded therein, the Writ Petition is allowed, setting aside the impugned order and respondent No.3 is directed to permit the shifting of the subject saw mill situated in Sy.No.20 of Vidyadharapuram, Vijayawada to the premises situated in Sy.No.42/2 of plot Nos.7 and 8 in Ambapuram of Vijayawada Rural Mandal, Krishna District. The said exercise shall be completed within four (4) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

4. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence.

5. Office to annex copy of the order, dated 30.11.2015, in W.P.No.23471 of 2015 of this Court with this order.

21.03.2017
AMD

 **JUSTICE A.V.SESHA SAI**

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Date: 21.03.2017

AMD