

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.6337 OF 2012

Khalil Ahmed s/o.Abdul Kadar,
Age: 42 years, Occ.Nil/Agril.
R/o.Musanagar, Somnathpur Road,
Udgir, Tq.Udgir, Dist. Latur.

PETITIONER

VERSUS

- 1] The Union of India.
- 2] The Secretary,
Central Empowered Committee,
2nd Floor, Chankya Bhavan,
Chankya Puri,
New Delhi-21.
- 3] The State of Maharashtra.
- 4] The Chief Forest Conservator,
Office of Chief Forest Conservator,
Maharashtra State, Nagpur.
- 5] The Chief Forest Conservator [Regional],
Opp.S.S.C. Board Building,
Station Road, Aurangabad.
- 6] The Sub-Divisional Forest Officer,
Osmanabad Dist. Osmanabad.
- 7] The Range Forest Officer,
Ahmedpur, Tq. Ahmedpur
Dist. Latur.

RESPONDENTS

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Mr.S.M.Ganachari, AGP for the respondent/State

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**CORAM: S.S. SHINDE AND
S.M.GAVHANE, JJ.
DATE : 24.02.2018**

ORDER:

1] When the matter is called out, none appears for the petitioner.

2] With the able assistance of the learned Assistant Government Pleader, we proceed to decide the Petition.

3] The petitioner, by way of filing this Petition under Article 226 of the Constitution of India, seeks direction to respondent no.2 to decide the pending Application No. WBI-741 regarding grant of license to the petitioner's Saw Mill. Further direction is sought to respondent no.4 to take steps to issue license to the petitioner's Saw Mill.

4] Pursuant to the notices issued to the

respondents, respondent nos.2 to 7 have filed affidavit-in-reply. In the said affidavit-in-reply, reference has been made to the Writ Petition [C] No.202 of 1995 [T.N.Godevarmen Thirumulkpad Vs. Union of India & Ors.] and order passed in the said Writ Petition by the Supreme Court on 4th March, 1997. The said order has been extracted in para 2 of the affidavit-in-reply. It is further stated that in view of the order passed by the Supreme Court on 4th March, 1997 in Writ Petition [C] No.202 of 1995, no fresh license could be issued. It is further stated that the registration as Small Scale Industry Unit is of no use. Since the registration certificate is dated 4th April, 1996, the same is after the publication of the *Notification* dated 16th July, 1981, thereby not granting fresh license to run Saw Mill. It is further stated that in view of the decision taken by the State Government not to grant any license to establish and run Saw Mill, the petitioner's request cannot be acceded to. The petitioner herein preferred Application No. WBI-741 to the

Central Empowered Committee ['said Committee' for short], appointed by the Supreme Court, for considering the proposal for grant of license to run Saw Mill, and the same is pending with the said Committee. The said Committee can only recommend the proposal and nothing more.

5] Keeping in view the averments in the affidavit-in-reply filed by respondent nos.2 to 7, we are of the view that no mandatory directions can be issued to the respondents or relief claimed by the petitioner can be granted in this Petition. In that view of the matter, the Petition stands rejected.

6] However, we make it clear that we have not expressed opinion about pendency of the Application filed by the petitioner with the Central Empowered Committee and the said application is pending. The contentions raised in the said Application would remain unaffected, and the rejection of this Petition shall not be

construed, to mean that, this Court has expressed opinion on merits of the contentions raised in the said application.

[S . M . GAVHANE]
JUDGE

[S . S . SHINDE]
JUDGE

DDC