

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION NO.25841 of 2009

ORDER:

This writ petition is filed seeking a direction to the respondents to renew/issue saw mill license to the petitioner by declaring the orders passed by the Divisional Forest Officer in his proceedings Rc.No.3283/2000/A-7 dated 24-3-2008 and the order passed by the Chief Conservator of Forest, Anantapur in his proceedings Rc.No.363/2008/M 4 dated 18.9.2008 as illegal and arbitrary.

The case of the petitioner is that the father of the petitioner has established saw mill and obtained license under the Andhra Pradesh Saw Mills (Regulation) Rules, 1969 to run the same with license No.4 of 2001 on 9.8.2001; the father of the petitioner, in the year 2004 gifted the movable and immovable properties by way of Gift Deed dated 2.1.2004; according to the gift deed, the subject saw mill belongs to the petitioner; the petitioner's father expired on 6.7.2006; the petitioner being uneducated, he depended on his brother-in-law, Rahamat Basha, to look after the affairs and saw mill business; the said Rahamat Basha, in a routine manner submitted renewal application for the year 2007 and got the license renewed up

to 31.12.2007; the petitioner made an application for renewal of license in his name on 28.11.2007; the petitioner's sister made a complaint to the Divisional Forest Officer, Chittoor, alleging that the petitioner obtained renewal of saw mill license by forging the signature of his father; the Divisional Forest Officer ordered for enquiry and the petitioner participated in the enquiry and submitted his explanation and based on the enquiry report, the Divisional Forest Officer came to the conclusion that the petitioner or his brother-in-law might have forged the signature of the father of the petitioner in the renewal application made for the year 2007; based on the said conclusion, the Divisional Forest Officer has cancelled the existing license and rejected the renewal application made by the petitioner for the year 2008 vide proceedings dated 24.3.2008; aggrieved by the said order, the petitioner has preferred an appeal before the Chief Conservator of Forests, Anantapur, who confirmed the order passed by the Divisional Forest Officer, vide proceedings dated 18.9.2008.; against the orders of the Chief Conservator of Forests, the petitioner approached the Principal Chief Conservator of Forests by way of appeal and the same was rejected on 2.5.2009. Hence, the writ petition.

Counter affidavit has been filed by the 1st respondent.

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

As seen from the impugned order of the Divisional Forest Officer, Chittoor, the renewal license issued on 28.2.2007 was cancelled and the renewal application for the year 2008 was also examined and the same was rejected. Learned counsel for the petitioner submits that according to rule 9 of the Andhra Pradesh Saw Mills (Regulation) Rules, 1969, the petitioner should be given an opportunity to put forth his case as the case of the petitioner is that he did not forge the signature of his father, and that the order of the Divisional Forest Officer, Chittoor dated 24.3.2008 shows that the signature is forged either by the petitioner or his brother-in-law.

Learned Government Pleader submits that no opportunity under Rule 9 of the A.P. Saw Mills (Regulation) Rules has to be given and the present case is of forgery and, hence, the said rule does not apply to the facts of the case. He further submits that the procedure for granting license is changed and that the petitioner may file an application seeking license for the saw mill.

In view of the facts and circumstance of the case, without going into merits of the case as to whether the signature is forged or not and as to whether an opportunity ought to have been given to the petitioner or not, the petitioner is given liberty to file a fresh application seeking license before the appropriate authorities and if such an application is filed by the petitioner, the respondents are directed to consider the same without reference to orders passed

earlier, which are impugned in the present writ petition, in accordance with rules.

Accordingly, the Writ Petition is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date: 14/11/2018

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