

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.21438 of 2018

ORDER:

Heard learned Counsel for the petitioner and the learned Government Pleader for Forests for the respondents.

2. The alleged inaction on the part of the respondent-authorities in taking decision on the application, dated 16.12.2016 submitted by the petitioner herein for permission to establish wood based industry is under challenge in the present Writ Petition.

3. According to the petitioner, on 16.12.2016, it made the said application to the 3rd respondent. The Principal Chief Conservator of Forests/R.2 herein vide proceedings Rc.No.17900/2016/Prod.-2(iv), dated 03.01.2017, informed the Counsel for the petitioner as follows:-

“Attention is invited to the subject and references cited above. It is informed that the Hon’ble Supreme Court of India in W.P. (C) No.202/95, dated 05.10.2015 have authorized the MoEF & CC to issue appropriate guidelines in confirmation with the orders and directions issued by Apex Court and also existing guidelines to the State Level Committee relating to assessment of Timber availability for Wood Based Industries and grant of licenses/permission to the Wood Based Industries including addition of new machineries and also utilization of amounts recovered from Wood Based Industries and connected matters.

In conformity with the above orders of the Hon'ble Supreme Court of India, the MoEF & CC has issued Wood Based Industries (Establishment and Regulations) Guidelines, 2016 vide reference 2nd cited. As per said guidelines **“No licence to Wood Based Industrial unit shall be granted or renewed without obtaining prior approval of the State Level Committee”**. Therefore your applications will be examined by the State Level Committee at appropriate time as per the guidelines of Government of India.”

4. The State Government, pursuant to the directions of the Hon'ble Supreme Court, constituted a State Level Committee for the State of Telangana as per the Wood Based Industries (Establishment and Regulations) Guidelines, 2016 and the said constitution was published vide G.O.Rt.No.203, Environment, Forests, Science & Technology (For.I) Department, dated 16.12.2016.

5. The contention of the learned Counsel for the petitioner is that though the State Government constituted the above said Committee, as long back as on 16.12.2016, the application of the petitioner herein has not been placed before the Committee so far and therefore the said action on the part of the respondent-authorities is highly illegal, arbitrary and unreasonable and violative of Article 14 of the Constitution of India.

6. The material available before this Court discloses in clear and vivid terms that as long back as on 03.01.2017 the

Office of the Principal Chief Conservator of Forests/R.2 while informing the learned Counsel for the petitioner about the issuance of Wood Based Industries (Establishment and Regulations) Guidelines, 2016, in conformity with the Orders of the Hon'ble Apex Court said that the application would be examined by the State Level Committee at appropriate time as per the guidelines of the Government of India. Since the State Government already constituted a Committee for consideration of the applications, this Court does not find any justification on the part of the respondents herein in not processing the application by placing the same before the said Committee for taking further action in the matter.

7. For the aforesaid reasons, the Writ Petition is disposed of, directing the respondents herein to take further steps in the direction of processing the application of the petitioner herein by placing the same before the State Level Committee and to pass final orders, within a period of two months from the date of receipt of a copy of this Order.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed. No costs.

A.V.SESHA SAI,J

11th July, 2018
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