

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.17224 OF 2019

ORDER:

This Writ Petition under Article 226 of the Constitution of India is filed by the petitioner seeking a direction to respondent No.3 to include Horizontal Band Saw in its licence by considering its application dated 31.03.2017.

2. Heard Sri Ramesh Vishwanathula, learned counsel for the petitioner, and learned Government Pleader for Forests and perused the material on record.

3. The case of the petitioner is that it has made an application to include horizontal band saw as it is unable to run its unit effectively with the vertical band saw alone. He submits that initially he made an application in 2010 and thereafter, it was renewed on 31.03.2017. He further submits that the Central Government vide its notification dated 17-11-2017 clarified the issue and the petitioner's case squarely falls under the said clarification. He would assert that the regulations do not specify as to what kind of machinery that would be installed in a particular premises and what all the regulations specify is that a premises is required to obtain licence and since the petitioner has already licence, which is a valid one for running a saw mill, as a matter of fact, it does not require any further permission for installing a horizontal band saw.

4. On the other hand, the learned Government Pleader opposing the writ petition would submit that the matter requires a detailed counter to be filed, particularly, with respect to interpretation sought to be laid by the petitioner. The learned Government Pleader would assert that the very fact that in the licence granted in favour of the petitioner specifying only one vertical band saw itself is a communication that what all has been permitted is a vertical band saw, and if the horizontal band saw is to be added, the petitioner is required to make an application in terms of G.O. Ms. No.55 dated 26.09.2016 which shall be considered in accordance with law.

5. Having regard to the respective submissions, this Court, *prima facie*, agrees with the contention of the learned Government Pleader that the very fact that the specification in the licence as to installation of only one vertical band saw itself is a communication that permission is required to add horizontal band saw. The very averments of licence in Clause 3 read as under:

“3. The licensee is permitted to run the following machinery and equipment.

Sl. No.	Name of the machinery	Capacity (H.P.)
1.	One Vertical Band Saw 1 No	15

The aforesaid clause would make it clear that specific permission is required for adding a particular machine. There being no challenge to the regulations, in the facts of the present case, the petitioner is given

liberty to make an application in terms of the rules seeking addition of 'horizontal band saw' which shall be considered by the authorities concerned, in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above observations, the Writ Petition is disposed of. No order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any pending, in the writ petition stand closed.

August 13, 2019.

PV

CHALLA KODANDA RAM, J

