

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 36960 of 2018

ORDER :

Petitioner challenges the order dated 07.07.2017 of the 1st respondent in rejecting his representation dated 09.12.2015 on the ground that no further appeal is provided against the orders passed by the Conservator of Forests who is the Appellate Authority.

The petitioner claims to be the owner of Lakshmi Saw Mill and Timber Depot, Huzurabad, Karimnagar District, licence of which was cancelled and the saw mill was confiscated along with the plant, machinery and teak timber, on 26.11.2004 on the ground that it possessed illegal teak timber. There against, the father of the petitioner preferred Appeal on 28.12.2004 before the 3rd respondent – Conservator of Forests, Warangal and the same was also rejected on 30.08.2005. Aggrieved thereby, the petitioner submitted a Revision before the 1st respondent which also received the same fate on 08.04.2008. The above factual scenario lead the petitioner, it is stated, to file Writ Petition No. 12888 of 2009. This Court disposed of the said Writ Petition on 20.06.2013 remitting the matter to the 3rd respondent to pass orders afresh. Thus, the order dated 18.03.2014 came to be passed again rejecting the Appeal. Thereon, the petitioner claims to have filed Appeal before the 2nd respondent - Principal Chief Conservator, who dismissed the same on 19.10.2015 stating that the Appeal does not lie before him. Hence, the petitioner submitted the representation dated 09.12.2015 to renew the licence of the saw mill, but however, *vide* impugned order, the said representation was rejected.

Learned counsel for the petitioner submits that under Section 66 of the Telangana Forest Act, 1967, government is empowered to entertain a Revision and hence, he requests that the representation filed by his client may be treated / considered as a Revision. In that view of the matter, the matter requires to be remanded for fresh consideration, requests the learned counsel.

On the other hand, learned Government Pleader for Forests opposes the said contentions and submits that Section 66 of the Act prescribes the parameters to file / consider a Revision and admittedly, the petitioner having not filed any Revision in conformity therewith, no direction can be issued to the 1st respondent to reconsider the issue. The impugned order therefore, does not warrant any interference, contends the learned Government Pleader.

Having regard to the respective submissions, as rightly contended by the learned Government Pleader, Revision is distinct but limited for consideration of the parameters embodied under the said provision. On that ground alone, without going into the merits of the matter, the Writ Petition is closed giving liberty to the petitioner to file a Revision before the 1st respondent in four weeks from the date of receipt of a copy of this order. Within four weeks thereafter, the Revision shall be considered and appropriate orders be passed strictly in accordance with law. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J