

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.40926 OF 2018

ORDER:

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

The case of the petitioner is that petitioner made an application on 30.06.2018 seeking permission of the licensing authority to shift his Saw-Mill by name and style M/s.Venkateshwara Saw Mill & Timber, situated at Harkapur Colony in Sy.No.217/3 of Utnoor Village & Mandal, Adilabad District to Allampally Village, Kadam Mandal, Nirmal District by treating Adilabad District as prior to division into four Districts as a single unit.

The application of the petitioner came to be rejected on 11.07.2018 in terms of G.O.Ms.No.55 dated 26.09.2016. The said rejection order is under challenge before this Court.

Counter affidavit is filed by the District Forest Officer stating that by G.O.Ms.No.55 EFS & T (For-I), dated 26.09.2016, statutory rules have been framed in exercise of the power conferred under Section 29 read with Section 68 of AP Forest Act, 1967 in consonance with Telangana Wood Based Industries (Regulation) Rules, 2016 and that in terms of Rule 2(a), the Divisional Forest Officer having jurisdiction over the place of establishment of the Wood Based Industries would be the licensing authority and Rule 6(5) and (7) mandates the licensing authority of a particular division alone, is permitted

to grant permission for shifting of the Wood Based Industries. Neither the licensing authority nor any other authority has been empowered to permit shifting of Saw-Mill/Wood Based Industry from one division to other division, there being prohibition in terms of Rule 6 and 7. In those circumstances, the rejection of the petitioner's application cannot be found fault with.

Having regard to the respective submissions, there being no dispute with regard to the statutory Rules prohibiting such application for being considered by the licensing authority, particularly confining the licensing authority jurisdiction for granting of license only within his territorial jurisdiction and in the absence of challenge to the said Rules, the writ petition does not deserve any consideration. However, it is open for the petitioner to approach the jurisdictional licensing authority where he seeks to set up a Wood Based Industry. As and when such application is made, the application shall be considered in terms of G.O.Ms.No.55 dated 29.06.2016.

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

Miscellaneous petitions pending in the writ petition, if any, shall stand closed.

CHALLA KODANDA RAM, J

Date: 16.04.2019.

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THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM



WRIT PETITION No.3054 OF 2019

Dated : 16.04.2019

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