

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 4896 of 2021

Rohit Chandra S/o Shri Totaram Chandra Aged About 53 Years R/o Village- Nandeli, Post- Aamgaon, Tehsil- Jejepur, District- Janjgir-Champa (C.G.)

---- Petitioner

Versus

1. Union of India Ministry of Environment Forest And Climate Change Through Its Secretary, New Delhi.
2. State of Chhattisgarh Through Its Secretary, Department of Forest and Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. Principal Chief Conservator of Forest Chhattisgarh, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
4. State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Secretary, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
5. Divisional Forest Officer Cum Licencing Authority Janjgir Champa, District Janjgir Champa Chhattisgarh.

---- Respondents

W.P.(C) No. 4897 of 2021

Om Prakash Agrawal S/o Shri Ram Prasad Agrawal, Aged About 53 Years R/o Village and Post Sothi, Tehsil Champa, District Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. Union of India Ministry of Environment Forest And Climate Change Through Its Secretary, New Delhi.
2. State of Chhattisgarh Through Its Secretary, Department of Forest and Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. Principal Chief Conservator of Forest Chhattisgarh, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
4. State Level Committee Chhattisgarh Under Wood Based Industries

Guidelines Through Its Member Secretary, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.

5. Divisional Forest Officer Cum Licencing Authority Janjgir Champa, District Janjgir Champa Chhattisgarh.

---- Respondents

W.P.(C) No. 4898 of 2021

Poonam Chand Agrawal S/o Shri Kirodimal Agrawal Aged About 61 Years R/o Village And Post Devarghata, Tehsil Dabhara, District Janjgir-Champa, Chhattisgarh.

---- Petitioner

Versus

1. Union of India Ministry of Environment Forest And Climate Change Through Its Secretary, New Delhi.
2. State of Chhattisgarh Through Its Secretary, Department of Forest and Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. Principal Chief Conservator of Forest Chhattisgarh, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
4. State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Secretary, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
5. Divisional Forest Officer Cum Licencing Authority Janjgir Champa, District Janjgir Champa Chhattisgarh.

---- Respondents

W.P.(C) No. 4899 of 2021

Laxman Singh Chandra S/o Bedram Chandra Aged About 71 Years R/o Village And Post- Pihrid, Tehsil Malkharoda, District- Janjgir- Champa, Chhattisgarh

---- Petitioner

Versus

1. Union of India Ministry of Environment Forest And Climate Change Through Its Secretary, New Delhi.
2. State of Chhattisgarh Through Its Secretary, Department of Forest and Climate Change, Mantralaya, Mahanadi Bhawan, Nawa

Raipur, Atal Nagar, District Raipur Chhattisgarh.

3. Principal Chief Conservator of Forest Chhattisgarh, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
4. State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Secretary, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
5. Divisional Forest Officer Cum Licencing Authority Janjgir Champa, District Janjgir Champa Chhattisgarh.

---- Respondents

W.P.(C) No. 4900 of 2021

Onkar Prasad Rathore S/o Shri Dasiram Rathore Aged About 53 Years
R/o Village Reda, Tehsil Sakti, District Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. Union of India Ministry of Environment Forest And Climate Change Through Its Secretary, New Delhi.
2. State of Chhattisgarh Through Its Secretary, Department of Forest and Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. Principal Chief Conservator of Forest Chhattisgarh, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
4. State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Secretary, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
5. Divisional Forest Officer Cum Licencing Authority Janjgir Champa, District Janjgir Champa Chhattisgarh.

---- Respondents

W.P.(C) No. 4901 of 2021

Shri Shashibhushan Rathore, S/o Shri Shyamlal Rathore, Aged About 60 Years R/o. Village - Dodki Post - Nandourkhurd, Tehsil - Sakti, District - Janjgir - Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

1. Union of India Ministry of Environment Forest And Climate Change Through Its Secretary, New Delhi.
2. State of Chhattisgarh Through Its Secretary, Department of Forest and Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. Principal Chief Conservator of Forest Chhattisgarh, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
4. State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Secretary, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
5. Divisional Forest Officer Cum Licencing Authority Janjgir Champa, District Janjgir Champa Chhattisgarh.

---- Respondents

W.P.(C) No. 4902 of 2021

Girish Kumar Patel S/o Shri Kalachand Aged About 58 Years R/o Village- Dhulkot, Tehsil - Dabhra, District Janjgir-Champa (C.G.)

---- Petitioner

Versus

1. Union of India Ministry of Environment Forest And Climate Change Through Its Secretary, New Delhi.
2. State of Chhattisgarh Through Its Secretary, Department of Forest and Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. Principal Chief Conservator of Forest Chhattisgarh, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
4. State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Secretary, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
5. Divisional Forest Officer Cum Licencing Authority Janjgir Champa, District Janjgir Champa Chhattisgarh.

---- Respondents

W.P.(C) No. 4903 of 2021

Shailendra Kumar Agrawal S/o Shri Rajesh Agrawal Aged About 32 Years R/o Old College Road, Tehsil Champa, District- Janjgir-Champa (C.G.)

---- Petitioner

Versus

1. Union of India Ministry of Environment Forest And Climate Change Through Its Secretary, New Delhi.
2. State of Chhattisgarh Through Its Secretary, Department of Forest and Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. Principal Chief Conservator of Forest Chhattisgarh, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
4. State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Secretary, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
5. Divisional Forest Officer Cum Licencing Authority Janjgir Champa, District Janjgir Champa Chhattisgarh.

---- Respondents

W.P.(C) No. 4904 of 2021

Gopal Prasad Chandra S/o Shri Surat Lal Chandra Aged About 42 Years R/o Village Pihrid, Tehsil Malkharoda, District Janjgir Champa Chhattisgarh

---- Petitioner

Versus

1. Union of India Ministry of Environment Forest And Climate Change Through Its Secretary, New Delhi.
2. State of Chhattisgarh Through Its Secretary, Department of Forest and Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. Principal Chief Conservator of Forest Chhattisgarh, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
4. State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Secretary, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
5. Divisional Forest Officer Cum Licencing Authority Janjgir Champa, District Janjgir Champa Chhattisgarh.

---- Respondents

W.P.(C) No. 4906 of 2021

Arpit Agrawal S/o Shri Om Prakash Agrawal Aged About 24 Years R/o Village And Post Sothi, Tehsil Champa, District Janjgir Champa Chhattisgarh.,

---- Petitioner

Versus

1. Union of India Ministry of Environment Forest And Climate Change Through Its Secretary, New Delhi.
2. State of Chhattisgarh Through Its Secretary, Department of Forest and Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. Principal Chief Conservator of Forest Chhattisgarh, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
4. State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Secretary, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
5. Divisional Forest Officer Cum Licencing Authority Janjgir Champa, District Janjgir Champa Chhattisgarh.

---- Respondents

W.P.(C) No. 4907 of 2021

Mukesh Kumar Patel S/o Shri Dileshwar Prasad Patel Aged About 47 Years R/o Post Saposh , Tehsil Dabhara, District Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. Union of India Ministry of Environment Forest And Climate Change Through Its Secretary, New Delhi.
2. State of Chhattisgarh Through Its Secretary, Department of Forest and Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. Principal Chief Conservator of Forest Chhattisgarh, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
4. State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Secretary, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.

5. Divisional Forest Officer Cum Licencing Authority Janjgir Champa, District Janjgir Champa Chhattisgarh.

---- Respondents

W.P.(C) No. 4908 of 2021

Rajesh Kumar Agrawal S/o Shri K.C. Agrawal, Aged About 54 Years R/o. Lachanpur (National Highway), Tehsil Janjgir, District Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. Union of India Ministry of Environment Forest And Climate Change Through Its Secretary, New Delhi.
2. State of Chhattisgarh Through Its Secretary, Department of Forest and Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. Principal Chief Conservator of Forest Chhattisgarh, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
4. State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Secretary, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
5. Divisional Forest Officer Cum Licencing Authority Janjgir Champa, District Janjgir Champa Chhattisgarh.

---- Respondents

W.P.(C) No. 4909 of 2021

Shashikala Rathore W/o Shri Ramkumar Rathore Aged About 50 Years R/o Village- Portha, Gram Panchayat Portha, Tehsil - Sakti, District- Janjgir-Champa (C.G.)

---- Petitioner

Versus

1. Union of India Ministry of Environment Forest And Climate Change Through Its Secretary, New Delhi.
2. State of Chhattisgarh Through Its Secretary, Department of Forest and Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. Principal Chief Conservator of Forest Chhattisgarh, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.

4. State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Secretary, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
5. Divisional Forest Officer Cum Licencing Authority Janjgir Champa, District Janjgir Champa Chhattisgarh.

---- Respondents

W.P.(C) No. 4910 of 2021

Manmohan Singh Chandra S/o Shri Bankat Singh Chandra Aged About 58 Years R/o Village Salni, Tehsil Jejepur, District Janjgir Champa Chhattisgarh

---- Petitioner

Versus

1. Union of India Ministry of Environment Forest And Climate Change Through Its Secretary, New Delhi.
2. State of Chhattisgarh Through Its Secretary, Department of Forest and Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. Principal Chief Conservator of Forest Chhattisgarh, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
4. State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Secretary, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
5. Divisional Forest Officer Cum Licencing Authority Janjgir Champa, District Janjgir Champa Chhattisgarh.

---- Respondents

W.P.(C) No. 4914 of 2021

Maniram Yadav S/o Ramlal Yadav, Aged About 71 Years R/o Village And Post Mishda, Tehsil Nawagarh, District Janjgir Champa (Chhattisgarh).

---- Petitioner

Versus

1. Union of India Ministry of Environment Forest And Climate Change Through Its Secretary, New Delhi.
2. State of Chhattisgarh Through Its Secretary, Department of Forest and Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.

3. Principal Chief Conservator of Forest Chhattisgarh, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
4. State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Secretary, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
5. Divisional Forest Officer Cum Licencing Authority Janjgir Champa, District Janjgir Champa Chhattisgarh.

---- Respondents

W.P.(C) No. 4858 of 2021

Rajesh Kumar Agrawal S/o Late Shri Ramjivan Agrawal Aged About 58 Years Address Village And Post Godkhamhi, Tehsil Lormi, District Mungeli Chhattisgarh

---- Petitioner

Versus

1. Union of India Ministry of Environment Forest And Climate Change Through Its Secretary, New Delhi.
2. State of Chhattisgarh Through Its Secretary, Department of Forest and Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. Principal Chief Conservator of Forest Chhattisgarh, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
4. State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Secretary, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
5. Divisional Forest Officer Cum Licencing Authority Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondents

AND

W.P.(C) No. 4833 of 2021

Smt. Maya Belchandan W/o Late Shri Dilip Belchandan Aged About 50 Years Occupation - Business, Proprietor Laxmi Saw Mill Anjora, Tahsil And District Durg, Chhattisgarh.

---- Petitioner

Versus

1. Union of India Ministry of Environment Forest And Climate Change Through Its Secretary, New Delhi.
2. State of Chhattisgarh Through Its Secretary, Department of Forest and Climate Change, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. Principal Chief Conservator of Forest Chhattisgarh, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
4. State Level Committee Chhattisgarh Under Wood Based Industries Guidelines Through Its Member Secretary, Aranya Bhawan Sector - 19, North Block, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
5. Divisional Forest Officer Cum Licencing Authority Durg, District Durg, Chhattisgarh.

---- Respondents

Mr. Manoj Paranjpe, Advocate for petitioners in W.P.(C) No.4896, 4897, 4898, 4899, 4900, 4901, 4902, 4903, 4904, 4906, 4907, 4908, 4909, 4910 and 4914 of 2021.

Mr. Vaibhav Shukla, Advocate for petitioner in W.P.(C) No.4858 of 2021.

Mr. Sunil Sahu, Advocate for petitioner in W.P.(C) No.4833 of 2021.

Mr. Tushar Dhar Diwan on behalf of Mr. Ramakant Mishra, Asstt. S.G. for Union of India/Respondent No.1.

Mr. Chandresh Shrivastava, Dy.A.G., Mr. Rahul Jha, Govt. Advocate and Mr. Ravi Bhagat, Govt. Advocate for respondents No.2 to 5.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

01/12/2021

1. These writ petitions have been filed by the petitioners seeking following reliefs :-

“(i) That, the Hon'ble Court may issue appropriate writ quashing clause 7 (ii) of the

impugned 2016 Guidelines dated 11.11.2016 issued by Respondent No. 1 (Annexure P/1) and consequential notification bearing no. F 19-51/Va/ 10-2/2005 (Part) dated 13.08.2021 (Annexure P/2) issued by respondent No. 2 and show cause notice dated 18.10.2021, 13.10.2021 and 27.10.2021 (Annexure P/3) respectively.

(ii) That, the Hon'ble Court may issue appropriate writ directing the SLC/expert committee (Respondent No. 4) to decide the optimum distance for establishment of saw mills from protected and notified area for the State of Chhattisgarh as directed by the Hon'ble Supreme Court in the matter of *WPC No. 202/98 T.N. Godavarman Thirumulpad vs. Union of India*.

(iii) Pass any order(s) as this Hon'ble Court may deem fit and proper in the interest of justice.”

2. Learned counsels for the petitioners submit that pursuant to the guideline issued in the case of **T.N. Godavarman Thirumulpad vs. Union of India & Ors. in WPC No. 202/98**, initially a notification was made by the Expert Committee and thereafter by the State Government which had fixed the aerial distance of 10 kms and within the periphery of forest, the operation of the Wood Based Industries have been prohibited. It is contended that pursuant thereto the show cause notices were issued by the State on 18.10.2021, 13.10.2021 and 27.10.2021 respectively to the petitioners. It is further contended that as per the guideline issued by the Ministry of Environment and Forest and Climate Change (hereinafter referred to as 'MoEFCC'), the restriction on

location of wood based industries as per clause-7(ii), the 10 kms of aerial distance from the boundary of nearest notified forests and protected areas was notified. It is stated that as per the Hon'ble Supreme Court's guideline, it was for the SLC who should have decided the optimum distance on which such restriction can be placed. Since the notice is served with decision already arrived at hearing would be a mere formality. As such, the notification of the Union of India dated 11.11.2016 (Annexure P/1) and the consequential notification dated 13.08.2021 (Annexure P/2) and the show cause notices dated 18.10.2021, 13.10.2021 and 27.10.2021 respectively be quashed as it is against the Hon'ble Supreme Court guideline and is issued arbitrarily.

3. Per contra, learned State counsel oppose the argument and would submit that the directions have been issued pursuant to the order passed by the Hon'ble Supreme Court on 05.10.2015 and as per the guideline, the MoEF is authorised to issue the appropriate guideline to decide the distance for establishing a Wood Based Industry near a forest. It is submitted that further the order purport that the person aggrieved by the decision taken by the SLC may filed an appeal before the MoEFCC seeking appropriate relief and thereafter may approach the concerned Court, therefore these petitions against show cause notices would not be maintainable.
4. Having heard the learned counsel for the parties on admission.

5. The order of the Hon'ble Supreme Court dated 05.10.2015 in the matter of **T.N. Godavarman Thirumulpad** (supra) is perused. The relevant consideration with the guideline which was issued by the Hon'ble Supreme Court is reproduced hereinbelow :-

“(iii) The MoEF is authorized to issue appropriate guidelines in conformation with the orders and directions issued by this Court and also the existing guidelines to the SLCs relating to assessment of timber availability for wood-based industries and grant of license/permission to the wood-based industries including addition of new machineries and also utilization of amounts recovered from the wood-based industries and connected matters;

(iv) Any person aggrieved by the decision taken by the SLC may file an appeal before the MoEFCC seeking appropriate relief within 60 days' time. If, for any reason, any person is aggrieved by the orders so passed in the appeal, he may prefer an appropriate petition/application/appeal before the appropriate forum/Court for grant of appropriate relief(s).”

6. Pursuant thereto, the MoEFCC issued a notification on 11.11.2016 (Annexure P/1), the relevant part of restriction on the location of Wood Based Industries was resolved as under :-

“7. Restriction on location of wood based industries.

(i) In the North Eastern States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim the wood based Industries shall be permitted to be established within the Industrial estates.

(ii) In the State other than the aforementioned North Eastern States, wood based industries shall ordinarily be not allowed to be established within ten kilometers aerial distance from the boundary of nearest notified forests and protected areas. The State Level

Committee for the reasons to be recorded in writing and after obtaining prior approval of the Central Government in the Ministry of Environment, Forest and Climate Change may permit to establish/operate a wood based industry at an aerial distance less than 10 kilometers from the boundary of a notified forest or a protected area.”

7. Subsequently, this notification was further amended on 11.09.2017 which reads as under:-

“5. The entries under Para-7 (ii) of these Guidelines are substituted with the following:-

(a) In the States/UTs (other than North Eastern States), in respect of distance from the boundary of nearest notified forests or protected areas, wood based industries shall be allowed to operate as per state-specific order/approval of the Hon'ble Supreme Court/ Hon'ble High Court of the concerned state/Central Empowered Committee;

Or, beyond ten kilometers of aerial distance from the boundary of nearest notified forests or protected areas, excluding roadside/railway side/canal side plantations, whichever is less.

(b) A Wood Based industry can be established in an industrial Estate or a Municipal area, irrespective of the aerial distance from the boundary of nearest notified forest or protected area.”

8. The reading of the aforesaid direction of the Hon'ble Supreme Court and the notification show that the *prima facie* the MoEF was authorised by the direction of the Hon'ble Supreme Court to issue the guideline. The State Government thereafter has issued the notification on 13.08.2021 (Annexure P/2) wherein aerial distance of 10 kms from the forest has been fixed to put up the Wood Based Industry. In the instant case, the show cause notice has been issued subsequent to the notification by the State on

13.08.2021, therefore, on this premises alone, the prejudice cannot be inferred, otherwise also, it is for the State to ensure the protection of the forest and to establish Wood Based Industry at a particular distance from the forest.

9. Since at present, the reply has not been filed by all the petitioners to the show cause notices. It is for the respondent authority to take a final decision on this issue. The petitioners, who have not filed reply are also at liberty to raise the grounds, which has been raised before this Court, before the respondent authority by filing reply. From the respondents authorities, it is expected that, they would hear the case of the petitioners and thereafter decide it in accordance with law and the guideline which is issued by Hon'ble Supreme Court and the respondents authorities shall also consider the 16th minutes of the meeting of SLC dated 22.04.2019.
10. In the meanwhile, it is directed that no coercive action shall be taken against the petitioners till final orders on show cause notices are passed. The case of the petitioners should be decided expeditiously.
11. With the aforesaid observations/directions, all the writ petitions stand disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge