CGHC010388882026 2026:CGHC:43392

CHANDRAKANT DEWANGAN

Digitally signed by CHANDRAKANT DEWANGAN
Date: 2026.10.12 12:43:08 +0530

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5110 of 2026

- Jwala Prasad Sahu S/o Late Shri Durga Sahu Aged About 49 Years R/o Village Patharra (Fulwari F), Thesil Lormi, Thana, Chilfi, District Mungeli, Chhattisgrh.

... Petitioner(s)

versus

1. Union Of India, Through Ministry of Environment Forest And Climate Change, Through Its Secretary, New Delhi.
2. State Of Chhattisgarh Through Its Secretary Department Of Environment Forest And Climate Change, Mahanadi Bhawan Naya Raipur, District Raipur Chhattisgarh.
3. Principal Chief Conservator Of Forest Chhattisgarh Arangya Bhawan Sector-19, North Block Naya Raipur Atal Nagar District Raipur Chhattisgarh.
4. State Level Committee Chhattisgarh. Under Wood, Based Giridelines, Through Its Member Aranya, Bhawan Sector -19, North Block Naya Raipur, Atal Nagar District Raipur Chhattisgarh.
5. Divisional Forest Officer Cum- Licensing Authority, Mungeli, District Mungeli Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Mr. Rishab Bisen, Advocate.
For Respondent/State	:	Mr. Anand Dadariya, Dy. Advocate General.

Hon’ble Mr. Justice Amitendra Kishore Prasad

Order on Board

07/10/2026

1. The present petition has been filed assailing the arbitrary action of the State in issuing the notification dated 25.09.2025 under Section 5(1) of the Chhattisgarh Kashtha Chiran (Viniyaman) Adhiniyam, 1984, whereby all areas falling within an aerial distance of 10 kilometres from the nearest notified area/protected forest have been declared as prohibited areas for a period of three years, as well as the consequential closure order dated 09.07.2026 (Annexure P/2) passed by the Divisional Forest Officer directing the closure of the petitioner's saw mill. The petitioner has also challenged the validity and correctness of the notification dated 25.09.2025, published in the Chhattisgarh State Gazette on 03.10.2025 (Annexure P/1).

2. By way of the present petition, the petitioner has prayed for the following reliefs:-

> *“I. That, the Hon'ble Court may issue appropriate writ quashing the Notification dated 25.09.2025 issued by Respondent No.2 under Section 5(1) of the Chhattisgarh Kashtha Chiran (Viniyaman) Adhiniyam, 1984, whereby areas distance from the nearest within 10 kilometers aerial notified/protected forest have been declared as "Prohibited Area", being arbitrary, illegal, without jurisdiction and in violation of binding directions of the Hon'ble Supreme Court. (Annexure P/1)*
>
> *II. Quash the impugned Closure Order /Show Cause Notice dated 09.07.2026 issued by the respondent Divisional Forest Officer & Licensing Authority, directing closure of the petitioner's saw mill (Annexure P/2)*

III. Pass any other order(s) as this Hon'ble Court may deem fit and proper i the interest of justice."

3. Learned counsel for the petitioner submits that the impugned notification dated 25.09.2025 and the consequential closure order are arbitrary, illegal, and unsustainable in law, having been issued without affording an opportunity of hearing to the petitioner and without assigning any cogent reasons, in violation of the principles of natural justice. Learned counsel contends that the notification prescribing a uniform prohibited distance of 10 kilometres from notified/protected forest areas is contrary to Section 5 of the Chhattisgarh Kashtha Chiran (Viniyaman) Adhiniyam, 1984, and was issued without any scientific assessment or recommendation of the State Level Committee (SLC)/Expert Committee, which, according to the petitioner, is competent to determine the optimum distance in terms of the guidelines and the directions of the Hon'ble Supreme Court in *T.N. Godavarman Thirumulpad v. Union of India*, W.P. (C) No. 202 of 1995.

4. It is further submitted that the respondents have erroneously relied upon Clause 7(ii) of the Guidelines of 2016, ignoring the subsequent amendment/clarification of 2017, which vests the power to determine the optimum distance in the SLC/Expert Committee. Learned counsel submits that the guidelines, being executive instructions, cannot override the statutory provisions or confer any unfettered power upon the State Government to prescribe such distance unilaterally. Learned counsel further submits that the SLC, Chhattisgarh, in its meeting dated 22.04.2019, determined the prohibited distance as 4 kilometres, while in its 25th meeting dated 22.06.2022, it recommended that saw mills

established prior to 1996 be permitted to operate at their existing locations. The impugned action, having been taken without considering these recommendations, is arbitrary and contrary to the expert assessment. It is also contended that the petitioner's saw mill was established prior to 12.12.1996 and was included in the list submitted before the Hon'ble Supreme Court. The retrospective application of the impugned guidelines and notification, particularly the change from motorable distance to aerial distance, is alleged to be arbitrary and prejudicial to the petitioner's established business. Learned counsel submits that the Hon'ble Supreme Court has not prescribed any uniform minimum aerial distance for saw mills from forest areas and that the determination must be based on State-specific ecological, geographical, and social conditions. It is further contended that the Union of India exceeded the scope of the directions of the Hon'ble Supreme Court by prescribing an optimum distance under Clause 7(ii) of the Guidelines of 2016 without an adequate scientific or legal basis.

5. Lastly, learned counsel submits that the impugned notification and closure order violate Articles 14 and 19(1)(g) of the Constitution of India, as the complete closure of the petitioner's long-standing lawful business imposes an unreasonable restriction on the right to carry on trade and business. Accordingly, learned counsel prays that the impugned notification and consequential closure order be quashed and set aside.

6. Learned State Counsel opposes the submissions advanced by learned counsel for the petitioner and submits that this Court has already decided the identical issue in W.P.(C) No. 466/2026 vide order dated

06.07.2026. He, therefore, submits that no further consideration is required in the present petition and prays that the petition be dismissed.

7. I have heard learned counsel for the parties and perused the material available on record.

8. This Court, in ***W.P.(C) No.466/2026, Royal Traders and Others v. Union of India and Others***, along with other connected matters, has considered the issue extensively and, upon due consideration, dismissed all the writ petitions involving identical issues. The relevant paragraphs of the said judgment are quoted below:

> **"**99. Tested on the anvil of the aforesaid parameters, this Court finds that the petitioners have failed to demonstrate any constitutional, statutory or jurisdictional infirmity in the impugned Notification dated 25.09.2025 or in the consequential order dated 07.11.2025. No material of any probative worth has been placed on record to establish that the impugned action is arbitrary, discriminatory, mala fide or bereft of any rational nexus with the object sought to be achieved, namely regulation of wood-based industries in the interest of forest conservation, ecological protection and sustainable environmental governance. On the contrary, the object and purpose of the Notification are directly aligned with the constitutional mandate under Articles 48-A and 51-A(g), the statutory framework of the Adhiniyam of 1984 and the environmental principles recognised in Sachidanand Pandey (supra), T.N. Godavarman Thirumulpad (supra) and Jacob Puliyel (supra). It is equally well settled that a precedent cannot be read as though it were a statutory text and that every decision must be understood in the factual context in which it was rendered.

100. The judgments relied upon by the petitioners do not, upon close scrutiny, lay down any proposition which would render the impugned Notification ultra vires, unconstitutional or otherwise unsustainable in law. Those decisions turn on their own facts, statutory setting or nature of challenge. None of them dilute the settled principle that where the State, acting within the four corners of its statutory authority and on the basis of relevant considerations, formulates a policy in a technical or specialised field in larger public interest, the Court would be slow to interfere unless the decision is demonstrably arbitrary, mala fide or contrary to law. Rather, the line of authority in N.G. Projects Limited (supra) and Jacob Puliyel (supra) reinforces judicial restraint in relation to expert-driven and policy-based determinations.

101. This Court is also unable to overlook that the subject matter of the present controversy lies at the intersection of environmental regulation, forest governance and industrial control. In such matters, the Court is required to remain conscious of the distinction between judicial review and appellate scrutiny. The Court is not concerned with whether some other distance norm may also have been possible, whether a lesser radius could have been prescribed, or whether the economic impact upon individual licensees could have been mitigated differently. Those are matters falling within the province of policy and executive assessment. What falls for examination in judicial review is only whether the policy is lawful, constitutionally permissible, supported by the statute and informed by relevant considerations.

102. Once it is found that the decision has a rational nexus with the object sought to be achieved and is not shown to be arbitrary or mala fide, judicial review must stop at that threshold. In the present batch of cases, the statutory framework under the Adhiniyam of 1984 clearly vests the

State Government with authority to regulate saw mills and wood-based industries and to declare prohibited areas in furtherance of forest conservation and environmental protection. The Notification dated 25.09.2025 has been issued in exercise of powers under Section 5(1) of the said Adhiniyam of 1984 and is therefore directly traceable to the source of statutory power. The legislative object underlying the enactment is to regulate wood-based industries in a manner consistent with preservation of forest resources.

103. Therefore, the exercise of power by the State Government in issuing the impugned Notification cannot be said to be dehors the statute, lacking in competence or beyond jurisdiction. The material placed before this Court further indicates that the impugned policy is the outcome of a conscious decision-making process undertaken by the competent authority in the backdrop of the prevailing regulatory regime governing wood-based industries, the amended Guidelines of 2016, the concept of prohibited areas and the need to maintain a safe and uniform distance from notified forests and protected areas. The prescription of a uniform aerial-distance norm appears to have been adopted as a regulatory standard so as to ensure consistency, certainty and enforceability in implementation across the State. Merely because such a standard may incidentally operate harshly against some existing operators cannot be a ground to invalidate the policy itself, so long as the standard bears a reasonable nexus with the object of forest conservation and is not shown to be capricious or irrational.

104. The contention of the petitioners that the impugned Notification results in grave commercial prejudice, closure of existing units or denial of renewal of licences also cannot, by itself, furnish a ground for interference under Article 226 of the Constitution. It is trite that where competing interests of private commercial convenience and

larger public interest in environmental protection are involved, the latter must ordinarily prevail, subject of course to the action being otherwise lawful and intra vires. Economic hardship, loss of business opportunity or adverse financial consequences to a class of licensees, however genuine, cannot eclipse the overriding necessity of forest conservation and ecological balance, particularly in a sector inherently linked with extraction and utilization of forest resources. As noticed in T.N. Godavarman Thirumulpad (supra), the regulatory control of wood-based industries is integrally connected with the larger object of arresting depletion of forest cover and preserving environmental equilibrium.

105. This Court is also of the considered view that in matters concerning environmental regulation and forest protection, the State is not only entitled but constitutionally obliged to adopt precautionary and preventive measures. The doctrine of sustainable development, the precautionary principle and the public trust obligations of the State are no longer alien concepts in Indian environmental jurisprudence. If the State, acting through its competent authorities and within the framework of the statute, adopts a regulatory measure intended to minimize potential adverse impact upon forests and protected areas, such measure must receive due deference unless it is shown to be manifestly arbitrary, wholly unsupported by law or violative of constitutional guarantees. No such infirmity has been demonstrated in the present case.

106. Accordingly, this Court finds no merit in the challenge raised to the Notification dated 25.09.2025 (Annexure P/1) or to the consequential order dated 07.11.2025 (Annexure P/2). Both the impugned actions are found to be within the competence of the State authorities, supported by the statutory provisions of the Adhiniyam of 1984, and justified by the object sought to be achieved, namely protection and

conservation of forests, regulation of wood-based industries and maintenance of ecological balance through a sustainable regulatory regime.

107. For all the reasons recorded hereinabove, this Court holds that the petitioners have failed to make out any case warranting interference under Article 226 of the Constitution of India, particularly in view of the limited scope of judicial review laid down in N.G. Projects Limited (supra). T.N. Godavarman Thirumulpad (supra), Jacob Puliyel (supra) and the recent reiteration of environmental primacy by the Hon'ble Odisha High Court in Sanjib Kumar Mohanty (supra).

108. Before parting with the matter, this Court also considers it apposite to notice that a Co-ordinate Bench of this Court, while dealing with a similar challenge to the very same Notification dated 25.09.2025 in W.P.(C) No.466 of 2026 and connected matters, by order dated 05.02.2026, after taking into account the rival submissions advanced by the parties, the provisions contained in the Wood Based Industries (Establishment and Regulation) Guidelines, 2016 as amended in 2017, the recommendations of the State Level Committee and the stand of the State Government as well as the Union of India, was not inclined to grant interim protection in favour of the petitioners therein. While declining interim relief, the Co-ordinate Bench took note of the amendment made in Clause 7(ii) of the Guidelines and also the alteration in the regulatory position concerning the role of the State Level Committee under the amended framework.

109. It is true that the aforesaid order of the Co-ordinate Bench was passed at the interlocutory stage and does not finally determine the rights of the parties or conclude the issues involved in the present batch of petitions. Nevertheless, the same constitutes a relevant circumstance

which cannot be completely brushed aside, particularly when the challenge in both sets of proceedings arises from the same Notification and is founded on substantially similar grounds. The fact that even at the interlocutory stage the Co-ordinate Bench did not find a prima facie case warranting suspension of the operation of the impugned Notification lends some support to the conclusion independently reached by this Court upon a full consideration of the pleadings, statutory provisions and material brought on record.

110. This Court, however, clarifies that its present conclusions are founded upon an independent examination of the entire controversy on merits and not merely upon the earlier interlocutory order of the Co-ordinate Bench. Upon such independent scrutiny, this Court finds that the challenge mounted by the petitioners is essentially directed against the wisdom of the State policy itself rather than against any demonstrable illegality in the exercise of power. The petitioners have not been able to show that the decision-making process was vitiated by non-consideration of relevant factors, consideration of extraneous matters, colourable exercise of power, violation of statutory procedure, hostile discrimination or manifest unreasonableness. In the absence of such foundational infirmities, the impugned Notification cannot be interdicted merely because its operation has serious consequences for existing saw mills situated within the prohibited area.

111. Considering the overall facts and circumstances of the present batch of writ petitions, the nature of the challenge raised, the object sought to be achieved by the Chhattisgarh Kashtha Chiran (Viniyaman) Adhiniyam, 1984, the statutory powers vested in the State Government under Section 5 thereof, the regulatory framework governing wood-based industries, the constitutional obligation of the State to protect forests and ecological resources, and the

principles of sustainable development and environmental governance recognized by the Hon'ble Supreme Court, this Court is of the considered opinion that the petitioners have failed to establish any legal basis for invoking the extraordinary writ jurisdiction of this Court so as to annul the impugned policy decision.

112. This Court is further satisfied that the Notification dated 25.09.2025 (Annexure P/1), issued by the Forest and Climate Change Department, Government of Chhattisgarh in exercise of powers conferred under Section 5(1) of the Adhiniyam of 1984, has been promulgated by the competent authority in accordance with law and for the avowed purpose of protection and conservation of forests and environment. The said Notification bears a direct and reasonable nexus with the object sought to be achieved by the parent enactment, namely regulation of wood- based industries and preservation of forest resources. The prescription of a 10-kilometre aerial-distance criterion from the boundary of the nearest notified forest or protected area is clearly traceable to the regulatory framework governing wood-based industries and cannot be characterized as arbitrary, irrational, mala fide, discriminatory or dehors the statutory scheme. Equally, the consequential order dated 07.11.2025 (Annexure P/2), issued by the Licensing Officer-cum-Divisional Forest Officer, Rajnandgaon Forest Division, merely implements and gives effect to the legal consequences flowing from Annexure P/1. The said order does not create any independent restriction nor does it travel beyond the scope of the parent Notification; rather, it identifies the saw mills falling within the prohibited area and enforces the statutory consequences contemplated under Section 5(2) of the Adhiniyam of 1984. No material has been brought on record to establish that either Annexure P/1 or Annexure P/2 suffers from any jurisdictional error,

procedural impropriety, arbitrariness, mala fides or violation of any constitutional or statutory provision.

113. Consequently, the Notification dated 25.09.2025 (Annexure P/1) and the consequential order dated 07.11.2025 (Annexure P/2) are held to be legal, valid, intra vires and fully within the competence of the authorities concerned. The challenge mounted against both the aforesaid actions, therefore, fails and is accordingly rejected.

114. In the result, all the writ petitions, being devoid of merit, deserve to be and are accordingly dismissed."

9. In view of the aforesaid order, no relief can be granted to the petitioner.

Accordingly, the writ petition is dismissed.

Sd/-
(Amitendra Kishore Prasad)
Judge

Chandrakant