

**HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO**

**WRIT PETITION No.5186 of 2020**

**ORDER:**

The petitioner was granted a license for running a saw mill at Renigunta Road, Tirupati, Chittoor District on 23.02.1998. The petitioner, who was running a saw mill under the name of PSM Saw Mill was forced to close the saw mill as the land of which the saw mill was located fell to the share of the petitioner in a partition of family property. On account of closer, the saw mill machinery was dismantled by the petitioner and stored in the premises of another saw mill owned by the petitioner on 09.08.2018. The petitioner had also submitted a representation to the respondents on the very same day for permission to change the location of the saw mill from the existing location to R.Mallavaram Village, Chittoor District. This request of the petitioner was rejected vide Memo No.380/2018/NP-5 dated 10.08.2018 informing the petitioner that the saw mill cannot be shifted without permission from the Licensing Authority and any such attempt to shift the saw mill would result in the cancellation of the license itself. In answer to this memo, the petitioner is said to have submitted a reply stating that the petitioner was awaiting permission before setting up the saw mill again. The petitioner had pursued the application for shifting the saw mill. The petitioner continued to pursue the request for shifting of the saw mill without any result. At that stage, on 01.05.2019 the respondent authorities inspected the premises of the petitioner where the saw mill machinery was

kept and confiscated the machinery on the ground that the machinery was shifted without obtaining permission.

2. On 04.05.2019 the respondent authorities by way of Notice Rc.No.465/2018/NP-2 had rejected the application of the petitioner to transfer the mill to R.Mallavaram Village, Chittoor District on the ground that the proposed location falls within 5 kms radius from the nearest Reserve Forest. An additional ground taken for the said rejection was that the appropriate authority to accord permission for shifting was not the Divisional Forest Officer, Wildlife Management Division, Tirupati.

3. Thereafter, the petitioner had again approached the authorities with a fresh application for transfer of saw mill to Survey No.165/2, Konkachennaiah Gunta, Tirupati, which falls within a Tirupati Municipal Corporation and as such, the requirement that the saw mill should not be within a 5 kms distance from the nearest Reserve Forest, would not be applicable.

4. The petitioner further submits that despite an application made on 27.05.2019, the respondent authorities have not taken any action on the said representation. Aggrieved by the said inaction, the petitioner had approached this Court.

5. The 3<sup>rd</sup> respondent has filed a counter stating that the petitioner is seeking a transfer of the saw mill from Renigunta Mandal, R.Mallavaram Village, which falls within the division of Tirupati Range of Chittoor Wildlife (East) Division and that it is

only the 2<sup>nd</sup> respondent, who is competent to accord such permission for transfer of re-installation of saw mill after obtaining report from State Level Committee.

6. Sri S.Vivek Chandra Sekhar, learned counsel for the petitioner submits that the counter affidavit of the 3<sup>rd</sup> respondent did not take into account the earlier rejection, the application for transfer to R.Mallavaram Village, Chittorr District and also did not take in to account the fact that the petitioner had made a fresh application for transfer of the saw mill to Survey No.165/2 of Konkachennaiah Gunta, Tirupati.

7. In these circumstances, it would be appropriate to dispose of the writ petition with the following directions:

- i) The petitioner shall submit a fresh copy of the earlier application seeking transfer of the saw mill from Renigunta road to Survey No.162/2 of Konkachennaiah Gunta, Tirupati along with the application for release of the machinery to the 2<sup>nd</sup> respondent within a period of one week from the date of receipt of a copy of this order.
- ii) Upon receipt of such request from the petitioner, the 2<sup>nd</sup> respondent shall consider and dispose of the said request for transfer and release of machinery within a period of four (4) weeks from the date of receipt of the said order.

8. With these directions, the writ petition is disposed of.  
There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall  
stand closed.

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**R. RAGHUNANDAN RAO, J.**

05.01.2021

RJS

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