

Ref.No.87135/76 N1.
Dated: 4.5.77.

Office of the Chief Conservator of
Forests, Andhra Pradesh, Hyderabad.

Sri P.S.Rao, I.F.S.,
Chief Conservator of Forests.

CIRCULAR NO.9/77

Sub:- I.R. on the accounts of DFO Nalgonda Divn. for the year
1976-77 from 24.5.76 to 1.6.76 non collection of Saw
Mill Licence fee-Regarding.

Ref:- 1.AG's No.CTM.II/III/22.13/76-77/431, dt. 28.7.76.
2.Govt.pleader for Industries, H. C. Hyd. Lr.No. General-I/
77/Ind. Dt. 3.2.77.

.....

Under Rule 4(1) (b) of A.P. Saw Mill (Regulation Rules)
1969 every proprietor of a Saw Mill shall obtain a licence from
the licensing authority within ninety days from the date of publi-
cation of these Rules, i.e. from 29.5.1969 and shall pay licence
fee as per Rule 8 of the above Rules. Thus all the Divl. Forest
Officer's of the Forest Department under whose jurisdiction Saw
Owners with effect from the date of promulgation of Saw Mill Regu-
lation Rules i.e. from 19.5.1969.

Since some of the saw mill owners filed a writ petition in
the High Court against the provisions of Rule 4(1) of the A.P. Saw
Mill (Regulation Rules) 1969 and the A.P. High Court struck
down this provision of Collecting Saw Mill licence fee from the
Saw Millowners in W.P. No. 4114/69. As a result, the officers of
this Department discontinued, collection of Saw Mill licence fee.
But on an appeal filed by the Department against the above orders
of the High Court, the appeal of the Department was allowed by
the High Court in W.A. No. 219/74 and ordered to maintain status
quo of the operation of the Saw Mill Rules. In view of these or-
ders of the High Court the Saw Mill Licence fee has to be collected
from Saw Mill owners. As a matter of fact the Accountant General
during the course of local audit of a Division insisted for collec-
tion of Saw Mill licence fee from the year 1969.

A doubt has been raised whether Saw Mill owners be asked to
pay saw mill licence fee during 1969 to 74 i.e. the period during
which, the provisions of rules 4(1) of Saw Mill (Regulation) Rules
were struck down by the orders of the High Court. In the legal
opinion obtained in this regard, it has been stated that Saw Mill
Licence fee from 1969 to 74 can also be collected not withstanding
that the rule 4(1) of Saw Mill (Regulation) Rules stood struck down
during the period, as these provisions were restored in the orders
of the High Court issued in W.A. No. 219/74 which is a proceeding
continuous to W.P. No. 4114/69.

In view of the position explained in the proceeding paras
it is necessary for the Divisional Forest Officer to implement the
provisions of A.P. Saw Mill (Regulation Rule) 1969 w.e.f. 29.5.1969.
The Divisional Forest Officers should therefore strictly follow the
provisions of A.P. Saw Mill (Regulation) Rules of 1969 and collect
areas of licence fee from all the Saw Mill owners in their juris-
diction from 29.5.1969 onwards i.e. from the promulgation of A.P.
Saw Mill (Regulation) Rules 1969 and submit compliance report to
the Chief Conservator of Forests through Conservator of Forests
within a month without fail.

The receipt of these circular instructions may be acknow-
ledged on the proforma given below.

Sd/-T.V. Subba Rao,
Addl. Chief Conservator of Forests.

KSA*/