

GOVERNMENT OF ANDHRA PRADESH  
FOREST DEPARTMENT

Rc.No.34225/97-W2.,  
Dated: 7-3-1998.

Office of the Prl.Chief Conservator of Forests,  
Aranya Bhavan, A.P., Hyderabad.

Sri S.D.Mukherji, I.F.S.,  
Prl.Chief Conservator of forests.

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CIRCULAR No.4/98

Sub:- Saw Mills – Rejection of Saw Mill licence – observations of the High Court  
– Regarding.

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The Hon'ble High court in several judgements relating to Saw Mill cases have adversely commented on the manners in which application for Saw Mill licences are rejected. Keeping the observations of High Court in view, the following instructions are issued.

Whenever applications are received for Saw Mill licences, the Divisional Forest Officers are obtaining the remarks from the concerned Range Officers and the Saw Mill licence is either issued or rejected. Invariably in all cases of rejection the applicants are approaching the High Court. While rejecting the applications for licences, the Divisional Forest Officers are, instead of giving a speaking order, giving detailed reasons for rejection, giving orders of rejection in one or two sentences only, for example:

- i) The application for Saw Mill licence is rejected in view of protection problem;
- ii) There are sufficient number of saw mills, hence rejected;
- iii) There are saw mills functioning adjacent to the location where saw mill is to be erected, hence rejected.

Further in many cases, it is seen that the concerned Range Officers are recommending for grant of licence, but the Divisional Forest Officers are rejecting the request for grant of licence.

The manner of rejection of applications as cited supra, is adversely commented upon by the High Court of Andhra Pradesh.

In some of the cases the High Court has observed that there is total lack of application of mind while issuing orders and that the orders are also vitiated on account of non-disclosure of reasons.

In order to see that the decisions of the Divisional Forest Officers are upheld in the Court, it is desirable that the Divisional Forest Officers dispose the applications for saw mill licences by speaking order, detailing the average timber cut, proximity of forests, local problems, problems with existing saw mills, such as the quantity of timber received by them and converted, the growing stock available in forests as well as outside, which may be brought to saw mill etc. The orders of the Divisional Forest Officers lack analytical information. The Prl.Chief Conservator of Forests, as an appellate authority being a quasi-judicial authority is required to consider the contentions raised by the appellant and give reasons in support of the findings arrived at. In the absence of detailed and analytical information, this office is not able to dispose the appeals in the required manner. In some cases the High Court has also adversely commented on the disposal of appeals by the appellate authority.

The Divisional Forest Officers are therefore requested to keep the above instructions in view and dispose off the saw mill cases judiciously and giving proper justifications. The Conservators of Forests should guide the Divisional Forest Officers in this regard by discussing this issue during the meetings convened at Circle level.

The Divisional Forest Officers are requested to acknowledge the receipt of this reference.