
(2018) 10 UK CK 0007

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 848 of 2016

Rakesh Kumar

APPELLANT

Vs

State of Uttarakhand through Secretary Forest Department,
Dehradun

RESPONDENT

Date of Decision : 04-10-2018

Acts Referred:

Citation : (2018) 10 UK CK 0007

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : Arvind Vashistha, Munish Bhardwaj, Yogesh Pandey, B.S. Adhikari

Final Decision : Dismissed

Judgement

Sudhanshu Dhulia, J.

1. The petitioner seeks renewal of his saw mill licence for the year 2015 and 2016. Since we are in the year 2018 as of now this prayer has become

infructuous. Moreover, the Forest Authorities who have refused to grant the licence to the petitioner is primarily on the consideration that there is a

civil dispute pending in the court between the petitioner and the intervener, who is represented by Mr. B.S. Adhikari, Advocate, but what has not been

considered is as to whether such a saw mill can be allowed to operate in view of the guidelines given by the Honâ??ble Apex Court in the case of

T.N. Godavarman Thirumulkpad Vs. Union of Indian & others reported in 1997 (7) SCC 440, wherein it has been directed that the Forest Authority

shall not grant a licence for a saw mill within 10 kilometers of existing forest area.

2. The Honâ??ble Apex Court in the aforesaid case has given certain directions for the erstwhile State of Uttar Pradesh (of which the State of

Uttarakhand at the relevant time was the part). The directions made by the Honâ??ble Apex Court in paragraph no.4 of the said judgment are as

under:-

â??A. In the State of Uttar Pradesh the following is permitted-

1. Principal Chief Conservator of Forest (PCCF) may, on a case-to-case basis, consider grant of permission to an existing licensed sawmill to relocate

itself, provided that the relocated site is not within 10 kms of any existing forest.

2. To alleviate the unintended hardship which may be cause to the ordinary populace in the hill areas who need forest produce for their survival, it is

clarified as under:-

(a) Nothing contained in the orders passed by this Court would prevent the U.P. Forest Corporation from directly undertaking the exercise of

collecting forest produce including fallen wood (but not any felling or cutting of trees or timber) to the extent strictly necessary, and distributing the

same ex-depot to the people living in the hill areas.

(b) The Forest Corporation may, with the prior permission of the PCCF, remove dead or dry trees for supply in the same manner ex-depot to people

residing in those areas. The Forest Corporation shall (i) undertake such activity itself without engaging any outside agencies, and (ii) keep an account

of the dead and dry trees felled and removed by them, and shall by way of an affidavit file the same in this Court.â??

(emphasis supplied)

3. The writ petition stands dismissed and in future if at all the saw mill licence is to be renewed, it shall only be done in the light of T.N. Godavarman

Thirumulkpad Vs. Union of Indian & others reported in 1997 (7) SCC 440.