



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 634 of 2026

OM SAW MILL **versus** UNION OF INDIA

Order Sheet

12/02/2026	Mr. Aditya Bhardwaj, Counsel for the petitioner. Mr. Tushar Dhar Diwan, Counsel for respondent No.1/UOI. Mr. Shobhit Mishra, Dy. GA for respondents No.2 to 5/State. Since respondents have already been represented through their respective counsels, formal steps of issuance of notice is not required. Hence, issuance of notices against them is dispensed with. Heard on application for grant of interim relief (IA No.1/2026). 1) Learned counsel appearing for the petitioner submits that the impugned Notification dated 25.09.2025 fixes a 10 KM aerial distance from the notified forests area which is in complete disregard of the recommendations and decisions of the State Level Committee Chhattisgarh (hereinafter referred to as the "SLC"), which had fixed 4 KM as the

optimum distance after a due assessment of the local factors. Pursuant to the impugned Notification, the Divisional Forest Officer has passed a non-speaking, *ex parte* closure order directing the petitioner to shut down their saw-mills till the period of three years/October 2028 from the date of issuance of said Notification. He further submits that the impugned Notification has been issued by the State Government without assigning any reason, in spite of the fact that the petitioner's saw-mill was established much prior to year 1996 and have been operating under valid licenses.

2) He next submits that the impugned Notification is against the judgment rendered by the Hon'ble Supreme Court in the case of **T.N. Godavarman Thirumulpad Vs. Union of India in WPC No.202/1995**, whereby the order was passed with regard to protection and conservation of the forests throughout the country. Therefore, the impugned Notification is without jurisdiction and is not sustainable. Hence, interim protection may be granted to the petitioner.

3) Per contra, learned counsel for respondents No.2 to 5/State, submits that a similar Notification/guideline was issued earlier in the year 2021, which was challenged in a batch of writ petitions bearing **WPC No.177/2022 (Kaushila Bai & others Vs. UOI & Ors) and other connected matters.**

The said batch of writ petitions was disposed of by the co-ordinate Bench on 25.09.2024, observing that the period prescribed in the subject Notification had lapsed and that the Principal Chief Conservator of Forests, Chhattisgarh,

	had sent the recommendation of the SLC for approval to Union of India. In the said case, it was also observed that the Union of India would expedite the process of taking decisions on the SLC recommendations, and counsel representing the State (therein) assured that they would abide by the recommendation. 4) Learned State counsel further submits that on 22.06.2022, a recommendation meeting was held by the SLC. Thereafter, a communication was sent by the Chief Conservator of Forests to the Director General of Forests, Ministry of Environment on 13.09.2022 for approval of the recommendation of the SLC, however, vide letter dated 16.06.2025, the Ministry of Environment, Forest & Climate Change, Govt. of India, has declined the recommendation of SLC. 5) He further submits that on the basis of the judgment rendered by the Hon'ble Apex Court in <u>T.N. Godavarman Thirumulpad (Supra)</u>, the Ministry of Environment, Forests and Climate Change, New Delhi, has framed guidelines dated 11.11.2016, however, vide subsequent Notification dated 11.09.2017, an amendment/substitution was made in the entries under Para-7(ii) of the Guidelines dated 11.11.2016. He refers to the relevant amendment which reads thus:- <i>"5. The entries under Para-7(ii) of these Guidelines are substituted with the following:-</i> <i>(a) In the States/UTs (other than North Eastern States), in respect of distance from the boundary of nearest notified forests or protected areas, wood</i>
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based industries shall be allowed to operate as per state-specific order/approval of Hon'ble Supreme Court/Hon'ble High Court of the concerned state/Central Empowered Committee;

Or, beyond then kilometers of aerial distance from the boundary of nearest notified forests or protected areas, excluding roadside/railway side/canal side plantations, whichever is less.

(b) *** *** ***"

6) Learned State counsel further submits that in the earlier guideline dated 11.11.2016, in Clause 4(v) the State Level Committee was empowered to "approve appropriate locations for setting up of woods based industrial units." This power of the SLC has been deleted vide the amendment Notification dated 11.09.2017, therefore, the stand taken by the petitioner that the impugned Notification issued by the State Government is against the recommendation made by the SLC is not sustainable. Hence, the petitioner is not entitled for interim protection or stay.

However, learned State counsel seeks some time to file a reply to the main petition as well as to the application for interim relief.

7) Learned counsel for Union of India adopted to the aforesaid submission made by the learned State counsel and prays for some time to file a reply in the matter.

8) Having considered the contentions put-forth by learned counsel for the parties and considering the issues involved in the present case, and further considering the

amendment made in Clause 7(ii) of the guideline dated 11.11.2016 and also keeping in view the fact that in the amended guideline, the power given to the State Level Committee in Clause 4(v) has been deleted, this Court is not inclined to grant interim protection/stay in favour of the petitioner at this stage.

However, 2 weeks' time is granted to counsel for the respective respondents enabling them to file reply to the main petition as well as to the application for interim relief.

List this case thereafter.

At the request of learned counsel for the petitioner, link this case along with WPC No.496/2026 and other connected matters.

Sd/-

(Naresh Kumar Chandravanshi)

Judge

Ajay