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NC: 2026:KHC:11710
WP No. 14824 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 25TH DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE M.G.S. KAMAL
WRIT PETITION NO.14824 OF 2022 (GM-FOR)

BETWEEN:

SRI C.M.VIJAYKUMAR SINGH
S/O.NAME SINGH
AGED ABOUT 56 YEARS
N.M.C.WOOD INDUSTRIES
BASAVANAHALLI
CHIKKAMAGALURU-577 101

...PETITIONER

(BY SRI R.G.HEGDE, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY PRINCIPAL SECRETARY
DEPARTMENT OF
FOREST AND ENVIRONMENT
M.S.BUILDING
BENGALURU-560 001
2. THE CHIEF CONSERVATOR OF FOREST
CHIKKAMAGALURU DISTRICT
CHIKKAMAGALURU-577 101
3. THE DEPUTY CONSERVATOR OF FOREST
CHIKKAMAGALURU DIVISION
CHIKKAMAGALURU-577 101
4. THE RANGE FOREST OFFICER
CHIKKAMAGALURU RANGE
CHIKKAMAGALURU-577 101

...RESPONDENTS

(BY SMT.B.SUKANYA BALIGA, AGA)





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ENDORSEMENT DATED 06.04.2022 ISSUED BY RESPONDENT NO.3 AS PER ANNEXURE-A AND CONSEQUENTLY DIRECT RESPONDENT NO.3 TO RENEW THE LICENSE CONSIDERING THE APPLICATION DATED 16.06.2020 AS PER ANNEXURE-B.

THIS PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

The petitioner is before this Court being aggrieved by the endorsement dated 06.04.2022 issued by respondent No.3, in terms of which, the request of the petitioner to renew the sawmill licence has been declined on the premise that the sawmill and the equipments are not functional on and after the year 2006.

2. Learned counsel for petitioner, taking this Court through the provisions of Rule 163 of the Karnataka Forest Rules, 1969, (for short, 'the Rules of 1969') submits that no such provision is provided under the Act or the Rules, enabling the respondent- authority to reject the



application for renewal merely because the sawmill and the equipments were kept idle. Besides, he further submits, that such an order has been passed by the respondent-authority without providing an opportunity of hearing the petitioner.

3. In response, learned Additional Government Advocate referring to a circular dated 12.03.2014 at Annexure-R1 produced along with the statement of objections, submits that since admittedly the sawmill and the equipments have remained unused for over 10 years, an application, if any, made by the petitioner is required to be considered as a fresh license. It is for this reason, the endorsement has been issued and no arbitrariness or *malafide* can be attributed. She further submits that if an application is made by the petitioner, the same will be considered as a fresh license in accordance with law.

4. Heard. Perused records.



5. There is no dispute in the fact that the petitioner had been issued a license to run a sawmill for the purpose of manufacturing of the furnitures. The said license has been renewed time to time. The last renewal admittedly was for the year 2006 as per Annexure-E7. Thereafter, there has been no renewal of licence though the petitioner had pleaded his ill health for he not being able to either run the sawmill or seek renewal. However, the fact remains that the licence has not been renewed on and after the year 2006.

6. Relevant provisions governing grant of licence and its renewal is as under:-

"163. Control of private saw pits, saw mills or any other sawing contrivances.- [(1) No saw pit or any other hand-sawing contrivance for cutting or converting timber shall be established within the limits of any reserved forest, protected forest or district forest or within 2 kilometres of such limits or within the area specified below, without obtaining a licence from the concerned Deputy Conservator of Forests.-

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(2-A) No person shall establish a sawmill or any other sawing contrivance, other than those specified in Rule 2(b), (6-C) and 163(1) for cutting or converting timber, anywhere in the state, without obtaining a licence from the concerned licence issuing authority:



Provided that no new sawmills or any other sawing contrivances shall be established within an aerial distance (crow-fly distance) of ten kilometres from the limits of any reserved forest, protected forest or district forest:

Provided further that the above restriction of the first proviso (aerial distance of ten kilometres) shall not be applicable for establishing and running of a new sawmill within notified limits of municipal area and industrial areas:

Provided also that no new sawmill shall be installed or operated within 250 meters from an educational institution or a hospital.]

(3) Application for grant or renewal of licence shall be made to the concerned Territorial Deputy Conservator of Forests in such form as the Chief Conservator of Forests Principal Chief Conservator of Forests (Head of Forest Force) in Karnataka may, by notification in the official Gazette, prescribe.

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(5) The Forest Officer receiving the application may, if he is satisfied after making such inquiry as he deems necessary, that there is no objection to grant the licence, having regard to the safeguarding of the timber in any reserved forests, protected forest or district forest, grant a licence in Form 42 subject to the provisions of the Act and these rules and to any other reasonable restrictions or conditions which he may specify in the licence. Separate licences shall be issued for works to be carried out in different places.

(6) Such Forest Officer may, after giving the applicant an opportunity of being heard, for reasons to be recorded in writing, reject any application for grant or renewal of a licence, whereupon the applicant, unless he appeals against the orders of rejection under sub-rule (10), shall be entitled to a refund of the fee remitted by him under sub-rule (4).

(7) If the officer issuing the licence is satisfied that the original licence issued to a licensee is lost, destroyed or otherwise rendered useless, he may, on payment of a fee of rupees five hundred per licence each time, issue a duplicate of the licence originally issued

(8) The officer issuing the licence may, at any time, for reasons to be recorded in writing, cancel or suspend any licence; Provided, no such rejection shall be made before giving the applicant an opportunity or making representation in the matter.



(9) Copy of every order under sub-rule (6) or under sub-rule (8) shall be granted to the applicant or licensee, as the case may be, by the Forest Officer passing such order.

(10) Any person aggrieved by an order under sub-rule (6) or (8) may, within three months of the receipt of the copy of the order under sub-rule (9), present an appeal thereupon in writing to the Chief Conservator of Forests of the concerned circle and his decision shall be final. Appeal application received after the specified period shall be summarily rejected.

(11) Power of the Principal Chief Conservator of Forest (Head of Forest Force) to give directions.- The Principal Chief Conservator of Forests (Head of Forest Force) with prior approval of the State Government may from time to time issue directions or guidelines to licence issuing authority regarding the discharge of their functions and to carry out the same effectively and for the purpose of these rules, such licensing authority shall comply with the directions issued from time to time."

7. Thus, power to grant or to renew the licence is absolutely vested with the officers named thereunder.

8. The circular dated 12.03.2014 furnished by learned Additional Government Advocate as per Annexure-R-1 is issued specifically with respect to renewal of sawmill license/license fee and penalty to be imposed. Unnumbered para-4 of the said circular reads as under:

"It is also decided not to renew the sawmill licences which are pending for more than 10 years and treat them as new saw mills and consider them after CEC issues permission for establishing new sawmills in Karnataka State."

9. In the light of the aforesaid circular issued by the Government of Karnataka, Department of Forest and in



the light of admitted position of the petitioner not having renewed the license on and after 2006 and the application for renewal made in the year 2020, squarely falls within the provisions of the circular referred to above. No error therefore, can be found with impugned endorsement.

10. In that view of the matter, reserving liberty to the petitioner to make a fresh application, if so advised, seeking grant of license and if so made, the respondent-authority shall consider the same in accordance with law.

The petition is accordingly ***disposed of***.

**Sd/-
(M.G.S. KAMAL)
JUDGE**

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List No.: 1 Sl No.: 26