

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.30214/2014 & MP.No.2/2014

Elmech Woodfurn Private Limited rep.by
Its Director, P.S.Venkatesan, No.2, Kalingaraya
Street, Royapettah, Chennai-14. .. Petitioner

v.

- 1.The Principal Chief Conservatory of Forests
[Head of Forest Force], Panagal Maaligai
Saidapet, Chennai 600 015.
- 2.The Conservator of Forest, Chennai Circle
Chennai.
- 3.The District Forest Officer
Thiruvallur District, Thiruvallur. ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified mandamus to call for the records comprised in K.Dis.No.WR4/17152/2014 dated 23.06.2014 on the file of the First Respondent and the consequential order as made in mu.Mu.No.6575/13/L, dated 28.07.2014 on the file of third respondent and quash the same and consequently direct the respondents to permit the petitioner to shift the sawmill run by the petitioner at No.Perungudi Industrial Estate, Perungudi, Chennai 600 096 to No.1/183, Selva Vinayagar Nagar, Payasambakkam Village, Sengundram, Chennai-52 and transfer the license in the name of E.Srinivasan to P.S.Venkatesan.

For Petitioner .. Mr.R.Karthikeyan
For Respondents .. Mr.N.Inbanathan, GA

ORDER

Heard the learned counsel for the petitioner and Mr.N.Inbanathan, learned Government Advocate appearing for the respondents and with their consent, the writ petition is taken up for final disposal.

2.The petitioner seeks for issuance of a writ of certiorarified mandamus to quash the order passed by the 1st respondent dated 23.06.2014 and the consequential order dated 28.07.2014, in and by which, the first respondent rejected the petitioner's application for shifting the existing sawmill and directed the petitioner to approach the Central Empowered Committee.

3.The legal issue involved in this writ petition is no longer res integra and it has been decided by this Court in the case in P.BHARATHI Vs. THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS reported in 2014-5-LW-655. In the said case also, a similar issue arose wherein an application for grant of shifting the place of business was refused on the ground that they have to apply through the State Level Committee and obtain orders from the Central Empowered Committee, New Delhi. The said order was set aside by this Court and the matter was remanded to the Principal Chief Conservator of Forests to take a fresh decision in the case. The said decision squarely applies to the facts and circumstances of the present case. This aspect of the matter is not disputed by the learned Government Advocate [Forests] appearing on behalf of the respondents. One more additional factor which is in favour of the petitioner is that after the application was rejected, the petitioner approached the Central Empowered Committee and the Central Empowered Committee, by the proceedings dated 02.02.2015 has forwarded the application to the 1st respondent for consideration. The said communication reads as follows:-

CENTRAL EMPOWERED COMMITTEE
[CONSTITUTED BY THE HON'BLE SUPREME COURT OF
INDIA IN WRIT PETITION [CIVIL] No.202/95 &
171/96]

File No.1-26/CEC/SC/2013-PLXXXXXVI Dated 2nd
February 2015

To

The Principal Chief Conservator of Forests
Tamil Nadu Forest Department, Chennai.

Sub: Application filed before the CEC by Elmech
Woodfurn Private limited seeking permission
for shifting of sawmill.

Sir

I am sending herewith application [in
original] filed before the CEC by Elmech
Woodfurn Private Limited on the above subject
for appropriate action. In this regard, the CEC
letter of even No. -- dated 4th July 2014,

[copy enclosed] may be referred to by which the PCCF/other competent authority of the Tamil Nadu Forest Department have been authorised to take a decision regarding grant of permission for transfer/re-location of the licensed wood-based industries in the State of Tamil Nadu and without making specific reference to the CEC in individual cases.

Yours faithfully

[M.K.Jiwrajka]
Member Secretary

4.In the light of the above, the 1st respondent has to consider the petitioner's application and take a decision in accordance with law.

5.With the above reasonings, the writ petition is allowed and the impugned orders are set aside and the matter is remanded to the 1st respondent to take a decision in accordance with the directions issued by the Central Empowered Committee vide proceedings dated 02.02.2015 referred to above. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1.The Principal Chief Conservatory of Forests
[Head of Forest Force], Panagal Maaligai
Saidapet, Chennai 600 015.

2.The Conservator of Forest, Chennai Circle
Chennai.

3.The District Forest Officer
Thiruvallur District, Thiruvallur.

+1 cc to Mr.R.Karthikeyan, Advocate, sr.63321
+1 cc to Special Government Pleader, sr.63372

W.P.No.30214/2014

svi co, kra 07.12.2015