

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.16458 of 2015

and

M.P.No.1 of 2015

M/s.Sivasakthi Saw Mill and Timbers,
Rep. by its Proprietor,
Mr.S.K.Ponnuswamy,
No.3/103E, Trichy Road,
Kangayampalayam, Sulur P.O.
Coimbatore - 641 401. ... Petitioner

Vs.

1. The Principal Chief Conservator of Forests,
Panagal Maligai,
Saidapet, Chennai - 15.
2. The District Forest Officer,
Coimbatore District,
Coimbatore.
3. The Forest Range Officer,
Coimbatore District,
Coimbatore.
4. The Junior Engineer,
Kovai Electricity Distribution Circle (East),
Karanampettai, Sulur,
Coimbatore District. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to consider the petitioners application dated 17.09.2012 for shifting license to the petitioner's Saw Mill as contemplated under the Rule 11 (1) of the Tamil Nadu Regulation of Wood based Industries Rules, 2010.

For Petitioner : M/s.Waraon and Sai Rams
For RR-1 to 3 : Mr.M.K.Subramanian,
Special Govt. Pleader Forests
For R-4 : Mr.S.K.Raameshwar for TNEB

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner claims that he is carrying on business in Saw Mill at No.3/103E-1, Trichy Road, Kangayampalayam, Sulur, Coimbatore and according to him, the Licensing Officer has issued a regular license after due inspection in Form-II under Rule 4(2) and 5(2) of the Tamil Nadu Regulation of Wood based Industries Rules, 2010 to establish / renew of Wood based Industry, on 13.12.2011 and it is valid for a period of five years from the date of issue. The petitioner would state that the Department of Highways acquired major portion of the land for the purpose of laying the road and therefore, the petitioner was constrained to purchase the adjacent land and applied for shifting of the Wood based Industry to the new place as per Rule 11(1) of the Tamil Nadu Regulation of Wood based Industries Rules, 2010, by means of an application dated 17.09.2012 and since no orders came to be passed, the petitioner came forward to file this writ petition.

3. Learned counsel appearing for the petitioner has drawn the attention of this Court to the order dated 13.05.2015 made in W.P.No.14453 of 2015 and would submit that this Court, in similar circumstances, issued a direction to the concerned respondent viz., the second respondent herein to dispose of the application within a period of four weeks from the date of receipt of a copy of that order and hence, similar order can be passed.

4. Per contra, M.K.Subramanian, learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the second respondent, in turn, has approached the first respondent before passing the order in respect of the application submitted by the petitioner for shifting the Saw Mill.

5. This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner, directs the second respondent to consider and dispose of the petitioner's application dated 17.09.2012 and pass orders in accordance with law, as expeditiously as possible, not later than six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

Jrl

To

1. The Principal Chief Conservator of Forests,
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Saidapet, Chennai - 15.
2. The District Forest Officer,
Coimbatore District,
Coimbatore.
3. The Forest Range Officer,
Coimbatore District,
Coimbatore.
4. The Junior Engineer,
Kovai Electricity Distribution Circle (East),
Karanampettai, Sulur,
Coimbatore District.

1 cc to M/s.Waraon and Sai Rams , Advocate Sr.No.28043
1 cc to Government Pleader.Sr.No.28135

W.P.No.16458 of 2015

vsn(co)
pmk.26.6.2015

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