

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2015

CORAM

THE HON'BLE MR. JUSTICE T.S. SIVAGNANAM

W.P. No. 17004 of 2015

K.P.N.Wood Works,
Rep., by its Proprietor, K.Pandian
Mr.127., Thiru. V.K.Street,
Krishnapuram,
Saravanampatty,
Coimbatore - 641 035.

... Petitioner

Vs

1. The Principal Chief Conservator
of Forests,
Panagal Maligai,
Saidapet,
Chennai - 600 015.
2. The District Forest Officer,
Coimbatore District,
Coimbatore
3. The Forest Range Officer,
Coimbatore District.
Coimbatore.
4. The Junior Engineer,
Coimbatore Electricity Distribution Circle (North),
Tamil Nadu Electricity Board,
Krishnapuram
Coimbatore - 641 035.

... Respondents

Prayer :-Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to directing the second respondent to consider the petitioner's application dated 16.12.2012, 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 and pass appropriate orders.

For Petitioner : Mr.T.Thiageswaran for
M/s.Waraon and Sai Rams in all W.Ps.,

For Respondents : Mr.M.K.Subramanian Spl.G.P.,
Assisted by
Mr.N.Inbanathan G.A., (Forests)

Mr.S.K.Raameshuwar for R4

O R D E R

Heard the learned counsels appearing on either side and perused the materials placed on record. By consent of the learned counsels on either side, the writ petition is taken up for final disposal.

2. In this Writ Petition, the petitioner seeks for issuance of a Writ of Mandamus, to direct the second respondent to consider the petitioners' applications dated 16.12.2012, 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.

3. It is submitted by the learned counsel for the petitioners as well as by the learned Government Advocate for Forest cases that in similar cases, this Court has disposed of a batch of Writ Petitions in the case of M/s.Sri Amman Saw Mill, Rep., by its Proprietor Coimbatore District & Ors., vs. The Forest Range Officer, Karamadai & Ors., reported in CDJ-2012-MHC-2895. For better appreciation, the operative portion of the order is quoted herein below:-

25. In view of the above, the District Forest Officers concerned are directed to verify the individual applications and if the applications are in order, the same shall be forwarded to the State Level Committee forthwith and the State Level Committee is directed to scrutinise and place the same before the Central Empowered Committee at the earliest for its consideration, (i.e.,) without undue delay. This will ensure that the applications are considered as early as possible and assuage the grievance of the individuals that their right to livelihood is being affected for non consideration of the applications in time. It is, however, made clear

that till such time the licence is issued by the competent authority after following the procedure as applicable, the petitioners in each one of the case cannot claim as a matter of right to run the industry or for grant of electricity power supply.

26. In some cases, it is represented that the applications have been returned for certain defects. It is open to the individual saw mills, veneers, plywood industries to resubmit the applications in proper format with requisite fee to the appropriate authority, who shall thereafter scrutinise it and forward the same to the Empowered Committee for its approval in the manner stated above without undue delay. The Court requests the competent authority to consider the individual application on merits expeditiously to avoid the spate to writ petitions that are being filed.

4. In the light of the above, the Writ Petitions are disposed of by directing the District Forest Officer to verify the petitioner's application for shifting and if the application is in order, the same shall be forwarded to the State Level Committee forthwith and the State Level Committee is directed to scrutinise and place the same before the Central Empowered Committee at the earliest for its consideration, (i.e.,) without undue delay. This will ensure that the application is considered as early as possible and assuage the grievance of the petitioner that his right to livelihood is being affected for non consideration of the application in time. It is, however, made clear that till such time the licence is issued by the competent authority after following the procedure as applicable, the petitioner cannot claim as a matter of right to run the industry or for grant of electricity power supply. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

pbn

To

1. The Principal Chief Conservator
of Forests,
Panagal Maligai,
Saidapet,
Chennai - 600 015.

2. The District Forest Officer,
Coimbatore District,
Coimbatore

3. The Forest Range Officer,
Coimbatore District.
Coimbatore.

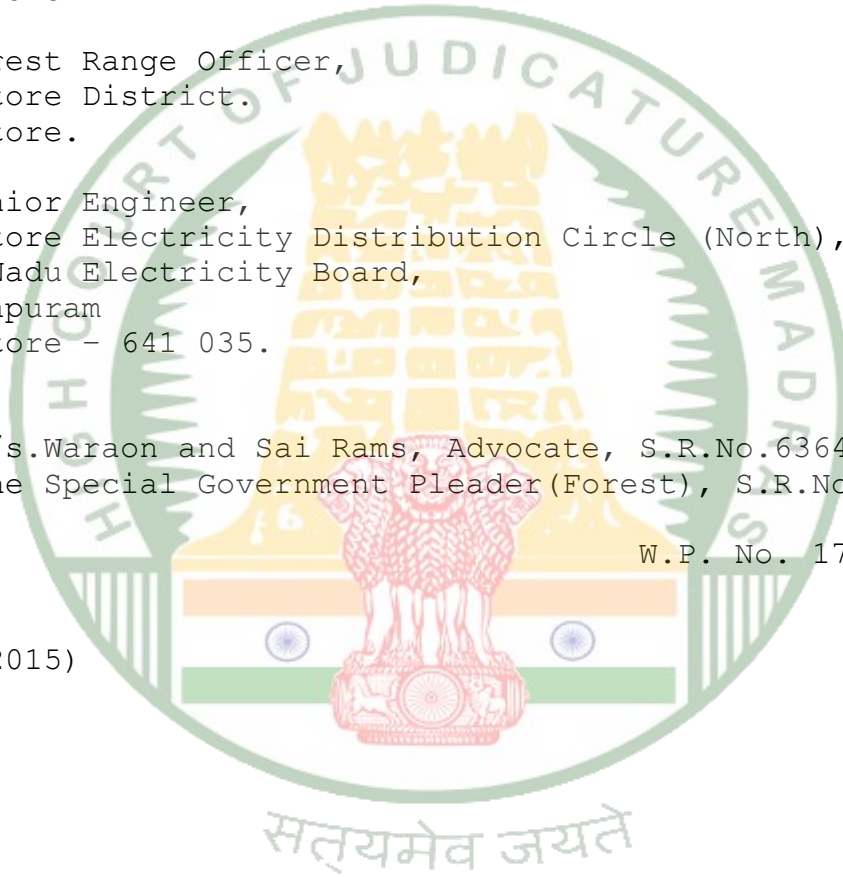
4. The Junior Engineer,
Coimbatore Electricity Distribution Circle (North),
Tamil Nadu Electricity Board,
Krishnapuram
Coimbatore - 641 035.

+1cc to M/s.Waraon and Sai Rams, Advocate, S.R.No.63640

+1cc to the Special Government Pleader(Forest), S.R.No.63179

W.P. No. 17004 of 2015

SVI (CO)
CA(10/12/2015)



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