

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2015

CORAM

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

W.P. Nos.17116, 25182, 25139, 17010,
17005 & 17006 of 2015

M/s.Saraswathy Saw Mill
Rep., by its Proprietor,
S.Panchavarnam,
Kovai Main Road,
Solagampalayam,
Kinathukadavu, Pollachi Taluk,
Coimbatore District. Petitioner in WP.17116/15

M.M.Furniture
rep.by its Proprietor
A.C.Mohan Petitioner in WP.25182/15

Dhanam Timbers
rep.by its Proprietor
K.Banumathi Petitioner in WP.25139/15

Sri Vinayaka Saw Mill
rep.by its Proprietor
A.Krishnaswamy Pillai Petitioner in WP.17010/15

Shri Shanmuga Saw Mill
rep.by its Proprietor
S.Kaniasarasu Petitioner in WP.17005/15

Shri Thangamman Saw Mill
rep.by its Proprietor
G.Subramanian Petitioner in WP.17006/15

Vs

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

WEB COPY

2. The District Forest Officer,
Anaimalai Tiger Reserve,
Pollachi
Coimbatore District.
3. The Forest Range Officer,
O/o. Forest Range,
Pollachi,
Coimbatore District.
4. The Junior Engineer,
Kovai Electricity Distribution Circle (South),
Kinathukadavu, Pollachi,
Coimbatore District. ... Respondents in WP.17116/15

R2 amended as per order dated 01.07.2015 in M.P.No.2 of 2015 in
W.P.No.17116 of 2015

1. Union of India,
rep. by the Ministry of Environment,
Forest & Climate Change,
Indira Parayavaran Bhavan,
Jor Bagh Road, New Delhi - 110003
2. The Central Empower Committee,
II Floor, Chanakya Bhawan,
Chanakyapuri, New Delhi.
3. The State Government of Tamilnadu,
rep.by the Department of Forest,
Fort St.George, Chennai - 09.
4. The Principal chief Conservation of Forests,
Panagal Maligai, Saidapet, Chennai - 15.
5. The District Forest Officer,
Forest Range, Coimbatore.
6. The Forest Range Officer,
O/o. Forest Range, Coimbatore. ... Respondents 1 to 6 in
WPs.25182 & 25139/15
7. The Junior Engineer,
Thudiyalur (West),
Coimbatore. ... R7 in WP.25182/15

7. The Assistant Engineer (TNEB)
Ganesh Nagar Division,
No.1, Thangammal Nagar,
1st Street, Ganapathy, Coimbatore. ... R7 in WP.25139/15

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

2. The District Forest Officer,
Pollachi Circle, Pollachi
Coimbatore District.

3. The Forest Range Officer,
O/o. Forest Range,
Pollachi,
Coimbatore District.

4. The Junior Engineer,
Coimbatore Electricity Distribution Circle (South),
Kinathukadavu,
Coimbatore District.

... Respondents in
WPs.17010,17005 & 17006/15

Prayer in W.P.No.17116 of 2015 : Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the respondents 2 to consider the petitioner's application dated 07.05.2012, under Tamil Nadu Regulation of Wood based Industries Rules 2010 and pass appropriate orders.

Prayer in W.P.No.25182 of 2015 : To direct the Respondents 1 to 5 to consider the Petitioner's application dated 28.01.2013 under Tamilnadu Regulation of Wood Based Industries Rules, 2010 and pass appropriate orders.

Prayer in W.P.No.25139 of 2015 : To direct the Respondents 1 to 5 to consider the Petitioner's Application dated 05.10.2012 under Tamilnadu Regulation of Wood Based Industries Rules, 2010 and pass appropriate orders.

Prayer in W.P.No.17010 of 2015 : To direct the Respondents 1 & 2 to consider the Petitioner's Application dated 28.01.2013 under Tamilnadu Regulation of Wood Based Industries Rules, 2010 and pass appropriate orders.

Prayer in W.P.Nos.17005 & 17006 of 2015 : To direct the Respondents 1 & 2 to consider the Petitioner's Application dated 30.01.2013 under Tamilnadu 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.,

for RR1 to 3 in W.P.No.17116 of 2015,
for RR3 to 6 in W.P.No.25182 of 2015
for RR2 to 6 in W.P.No.25139 of 2015
for RR1 to 3 in W.P.No.17010 of 2015
for RR1 to 3 in W.P.No.17005 of 2015
for RR1 to 3 in W.P.No.17006 of 2015

Mr.S.K.Raameshuwar
for R4 in W.P.Nos.17116, 17005,
17006, 17010 & 25139 of 2015
for R7 in W.P.No.25182 of 2015

Mr.D.Simon CGSC
for RR1&2 in W.P.No.25139 of 2015

Mr.Su.Srinivasan
for RR1&R2 in W.P.No.25182 of 2015

C O M M O N 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 all these Writ Petitions, the petitioner seeks for issuance of a Writ of Mandamus, to direct the District Forest Officer concerned to consider the petitioners' applications under 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 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. No costs. Consequently, connected Miscellaneous Petitions are 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,
Anaimalai Tiger Reserve,
Pollachi
Coimbatore District.
3. The Forest Range Officer,
O/o. Forest Range,
Pollachi,
Coimbatore District.
4. The Junior Engineer,
Kovai Electricity Distribution Circle (South),
Kinathukadavu, Pollachi,
Coimbatore District.

5. Union of India,
rep. by the Ministry of Environment,
Forest & Climate Change,
Indira Parayavaran Bhavan,
Jor Bagh Road, New Delhi - 110003

6. The Central Empower Committee,
II Floor, Chanakya Bhawan,
Chanakypuri, New Delhi.

7. The State Government of Tamilnadu,
rep.by the Department of Forest,
Fort St.George, Chennai - 09.

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

9. The Junior Engineer,
Thudiyalur (West),
Coimbatore.

10.The Assistant Engineer (TNEB)
Ganesh Nagar Division,
No.1, Thangammal Nagar,
1st Street, Ganapathy, Coimbatore.

11.The District Forest Officer,
Pollachi Circle, Pollachi
Coimbatore District.

+6cc's to M/s.Waraon and Sai Rams, Advocate,
S.R.No.63634 to 63639

+1cc to Dr.D.Simon, CGSC, S.R.No.63307

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

W.P. Nos.17116, 25182, 25139, 17010,
17005 & 17006 of 2015

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

WEB COPY