

In the High Court of Judicature at Madras

Dated : 23.11.2015

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition Nos.17233 of 2014 and M.P.Nos.1 and 2 of 2014

Shree Amman Saw Mill, rep.by
its Proprietor V.Palanisamy

...Petitioner

Vs

1.State of Tamil Ndu, rep.by the
Principal Chief Conservator of
Forests, Head of Forest Force,
No.1, Jennings Road,
Panagal Building, Chennai-15.

2.The Chairman, Central Empowered
Committee, II Floor, Chanakya Bhavan,
Chanakyapuri, New Delhi-110021.

3.The Chairman & Additional Principal
Chief Conservator of Forests,
Panagal Maaligai, Saidapet,
Chennai-15.

4.The District Forest Officer, Namakkal.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Certiorarified Mandamus to
call for the records of the fourth respondent made in
Na.Ka.No.1327/2013/V dated 16.06.2014, quash the same and
consequently direct the respondents to place the petitioner's
application dated 1.1.2013 as under Rules 4(1) and 5(1) of
Tamilnadu Regulation of Wood Based Industries Rules before the
State Level Committee, which is scheduled to be conducted on
30.6.2014 or any other date as may be fixed by the State Level
Committee.

For Petitioner : Mr.M.Gnanasekar

For Respondents: Mr.N.Inbanathan, GA(F)

ORDER

Heard Mr.M.Gnanasekar, learned counsel for the petitioner and Mr.N.Inbanathan, learned Government Advocate for the respondents. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner has challenged the order passed by the fourth respondent dated 16.6.2014 and prays for a direction to the respondents to place the petitioner's application dated 1.1.2013 under Rules 4(1) and 5(1) of the Tamil Nadu Regulation of Wood Based Industries Rules, for consideration and pass appropriate orders.

3. The petitioner is stated to have submitted an application during February 2013 to the Licensing Authority for issuance of a licence for running a saw mill. According to the respondents, the application of the petitioner was after the State Level Committee's meeting that was held on 30.1.2013. Along with the application, the petitioner has enclosed permanent registration certificate issued by the District Industries Centre, Namakkal dated 27.2.1998 for running a saw mill before the crucial date i.e. 30.10.2002. This is the document produced by the petitioner to show that they were running the saw mill since February 1998.

4. The District Forest Officer, Namakkal has filed a counter affidavit stating that the petitioner was asked to prove the genuineness of the certificate issued by the District Industries Centre, Namakkal and the petitioner has also produced the original certificate issued by the District Industries Centre before the District Forest Officer. The only reason assigned in the impugned order is that the application, which has been made after 30.1.2013, being the last date, the District Level Committee is not competent to consider the same and it is to be forwarded to the State Level Committee.

5. On a perusal of the impugned order, it is seen that the fourth respondent, instead of rejecting the petitioner's application by the impugned proceedings, could have forwarded the application to the State Level Committee, since the District Level Committee is not competent, as the petitioner's application is said to have been received after 30.1.2013. However, that has not been done. In the instant case, another course of action, which was open to the fourth respondent was to return the application to the petitioner with liberty to the petitioner to submit it before the State Level Committee. But, that was also not done.

6. Accordingly, the writ petition is allowed, the impugned order is set aside and the fourth respondent is directed to forward the petitioner's application to the State Level Committee through proper channel, within a period of eight weeks

from the date of receipt of a copy of this order. No costs.
Consequently, the above MPs are closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

RS

To

- 1.The Principal Chief Conservator of Forests,
State of Tamil Ndu, Head of
Forest Force, No.1, Jennings Road,
Panagal Building, Chennai-15.
- 2.The Chairman, Central Empowered Committee,
II Floor, Chanakya Bhavan,
Chanakyapuri, New Delhi-110021.
- 3.The Chairman & Additional Principal
Chief Conservator of Forests,
Panagal Maaligai, Saidapet, Chennai-15.
- 4.The District Forest Officer, Namakkal.

+1 cc to Spl.Government Pleader,(Forest), sr.63252

WP.No.17233 of 2014 &
MP.Nos.1 & 2 of 2014

msm co
kra 30.11.2015

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