

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.26780 of 2015

E.Shanmugam

...Petitioner

vs.

1. The District Forest Officer,
Salem Range,
Salem.

2.Chief Conservator of Forest,
Panagal Malagai,
Saidapet,
Chennai - 15.

...Respondents

Prayer :- Writ petition filed under Article 226 of the constitution of India praying for a writ of mandamus directing the 1st respondent consider the representation of the petitioner dated 15.07.2014 and issue the corrected license in the name of the petitioner instead of E.Sekar in respect of the License No.81/2012 dated 21.12.2012.

For Petitioner : Mr.M.Devaraj

For Respondents : Mr.N.Inbanathan,
Govt. Advocate (Forest)

O R D E R

The petitioner purchased a sawmill from one Sekar who was the proprietor of M/s.Sekar Sawmill, registered as a Small Scale Industry with the Department of Industries and Commerce in the year 2002. As per the Tamil Nadu Regulation of Wood Based Industries Rules 2010, the petitioner applied for license for running the sawmill on 29.06.2012 with requisite details to the Forest Range Officer, Servarayan South Range. The Forest Range Officer,

Servarayon South Range, on 30.06.2012 recommended the petitioner's application to the first respondent and the first respondent, on 21.12.2012 issued license to the petitioner for running the wood based industry. However, in the license, the petitioner's name has been wrongly mentioned as E.Sekar as against E.Shanmugam. Therefore, the petitioner made representations to the second respondent on 09.06.2013, 15.07.2014 and finally on 29.06.2015 to correct the name from E.Sekar to E.Shanmugam. Since no action has been taken on the representation of the petitioner, he has come before this court.

2. Heard Mr.M.Devaraj, learned counsel appearing for the petitioner and Mr.N.Inbanathan, learned Govt. Advocate (Forest) appearing for the respondents.

3. It is evident from the application filed by the petitioner on 29.06.2012 and the recommendation made by the Forest Range Officer to the first respondent on 30.06.2012 that the name of the petitioner has been shown only as 'E.Shanmugam'. However, in the license issued by the first respondent on 21.12.2012, the petitioner's name has been wrongly mentioned as 'E.Sekar'. Therefore, the name of the petitioner is required to be amended as 'E.Shanmugam' in the license issued by the first respondent.

4. Since it is represented by the learned Government Advocate that the petitioner has made representations only to the second respondent and not to the first respondent, it is appropriate for this court to direct the petitioner to make fresh representation to the first respondent alongwith requisite details and documents, within a period of one week from the date of receipt of a copy of this order.

5. Though it is evident that the name of the petitioner has been wrongly mentioned in the license issued by the first respondent, to avoid any technicality and for personal satisfaction by the first respondent, the first respondent is directed to conduct enquiry within a period of ten days from the date of receipt of representation from the petitioner and pass appropriate orders with regard to amendment, within two weeks thereafter.

6. The writ petition is disposed of with above direction.
No costs.

7. Post the matter for compliance on 25.09.2015.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rgr

To

1. The District Forest Officer,
Salem Range,
Salem.

2.Chief Conservator of Forest,
Panagal Malagai,
Saidapet, Chennai - 15.

1 CC to Mr.M.Devaraj, Advocate SR.No. 45805

1 CC to the Government Pleader, SR.No. 46244

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GGK (CO)
PSI (22.09.2015)

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