

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24/11/2015

C O R A M

THE HONOURABLE Mr.JUSTICE T.SIVAGNANAM

W.P.No.29985 of 2015

Sri Kamatchiamman Sawmill
rep. By its Proprietor
Mr.S.Manikandan. Petitioner

Vs

1. State of Tamil nadu
rep. By its Principal Chief Conservator of Forests
Head of Forest Force
No.1 Jennings Road
Panagal Building
Saidapet
Chennai 600 015.
2. The Member Secretary
Central Empowered Committee
II Floor
Chanakaya Bhavan
Chankyapuri
New Delhi 110 021.
3. The Chairman and Additional Principal
Chief Conservator of Forests
Panagai Maaligai
Saidapet
Chennai 600 015.
4. The District Forest Officer
Namakkal. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondent to consider the petitioner application dated 12/5/2012 under the Tamil Nadu Regulation of Wood based Industries Rules 2010.

For petitioner ... M/s.T.Dharani

For respondents ... Mr.N.Inbanathan
Government Advocate
(Forests)
for R.R.1, 3 and 4.

Mr.Su.Srunivasan
Assistant Solicitor General
for R.2

O R D E R

With the consent of the learned counsel appearing for the parties, this writ petition is taken up for final disposal.

2. Heard Mr.T.Dharani, learned counsel appearing for the petitioner, Mr.N.Inbanathan, learned Government Advocate (Forests) for the respondents 1, 3 and 4 and Mr.Su.Srinivasan, learned Assistant Solicitor General for the second respondent.

3. This writ petition has been filed praying to consider the application of the petitioner dated 12/5/2012 under the Tamil Nadu Regulation of Wood based Industries Rules 2010.

4. It is agreed by the learned counsel appearing on either side that the issue involved in this writ petition is squarely covered by the judgment rendered by this Court in a batch of writ petitions being W.P.No.12861 of 2012, etc dated 12/6/2012. In the said batch, the writ petitions were disposed of by issuing the following directions:-

"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 license 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 that competent authority to consider the individual application on merits expeditiously to avoid the spate of writ petitions that are being filed."

5. Following the above directions, this writ petition is also disposed of on similar lines and the respondents are directed to comply with the directions as above. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

mvs.
To

1. The Principal Chief Conservator of Forests
State of Tamil Nadu
Head of Forest Force
No.1 Jennings Road
Panagal Building
Saidapet, Chennai 600 015.
2. The Member Secretary
Central Empowered Committee
II Floor, Chanakaya Bhavan
Chankyapuri, New Delhi 110 021.
3. The Chairman and Additional Principal
Chief Conservator of Forests
Panagal Maaligai, Saidapet
Chennai 600 015.
4. The District Forest Officer
Namakkal.

+1 cc to M/s. T.Dharani, Advocate, sr.63751
+1 cc to Government Pleader, sr.63742

W.P.No.29985 of 2015

vs co
kra 09.12.2015