

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2015

Coram

The Hon'ble Mr. Justice T.S. SIVAGNANAM

W.P. No.32744 of 2015

Bharat Saw Mill

.. Petitioner

Vs

1. State of Tamilnadu
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, Chanakya Bhavan,
Chanakyapuri, New Delhi 110 021
3. The Chairman and Additional Principal
Chief Conservator of Forests,
Panagal Maligai, Saidapet, Chennai - 15.
4. The District Forest Officer,
Licensing Officer,
Namakkal Division, Namakkal

.. Respondents

Prayer :-Petition filed under Article 226 of the Constitution of India praying to issue Writ of mandamus directing the respondent herein to consider the petitioner application dated 03.10.2013 under the Tamil Nadu Regulation of Wood based Industries Rules 2010.

For petitioner
For Respondents

.. Mr.T.Dharani
.. Mr.N.Inbanathan,
Government Advocate

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.T.Dharanai, learned Counsel appearing for the petitioner and Mr.N.Inbanathan, learned Counsel appearing for the respondents.

3. The petitioner is a saw mill and requested for a new license to establish the Wood based Industry in accordance with Tamilnadu Regularisation of Wood based Industries Rules, 2010. The petitioner is fully aware of the statutory compliances, he has to make before the should be considered for grant of licence with the fourth respondent and the petitioner is said to have remitted a fee of Rs.5,000/- vide Challan No.20 dated 15.10.2013.

4. The petitioner's application is said to be pending before the fourth respondent. The learned Government Advocate (Forest) brought to the notice of this Court that the decisions made in the case of M/s.Sri Amman Saw Mill -vs- The Forest Range Officer in W.P.No.12861 of 2013, etc., batch dated 12.06.2012 and referred to para 25 of the order, which reads as follows:-

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.

5. At this stage of the matter, this Court is not inclined to go into the merits of the petitioner's application, as the petitioner has to satisfy various conditions before he is entitled to seek for a licence to establish a Wood based Industry.

6. In the light of the above, without going into the merits of the contentions raised by the petitioner, there will be a direction to the fourth respondent to examine the

petitioner's application in accordance with law as well as the directions issued by this Court and the Hon'ble Supreme Court and pass an appropriate order and communicate the same to the petitioner within a period of three months from the date of receipt of a copy of this order.

The Writ Petitioner is disposed of on the above terms. No costs.

sd/
ASSISTANT REGISTRAR (CS-VI)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

srn/rpa

To

1. The 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, Chanakya Bhavan,
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3. The Chairman and Additional Principal
Chief Conservator of Forests,
Panagal Maligai, Saidapet, Chennai - 15.
4. The District Forest Officer,
Licensing Officer,
Namakkal Division, Namakkal

+1 CC to MR.T.Dharani Advocate. SR.NO. 61322
+1 CC to Govt.Pleader. SR.NO. 61268

W.P. No.32744 of 2015

CO-VGI
JD 20/11/2015