

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.14956 OF 2016

Hariharan Saw Mill

Rep. By its Proprietor P.Arumugam

No.1/1, Kannankurichi (P.O)

Yercaud Main Road,

Salem - 8.

.. Petitioner

Versus

1.The State of Tamil Nadu

Rep. By its Secretary to Government

Environment and Forest Department

Fort St. George,

Chennai - 600 009.

2.The Principal Chief Conservator of Forests

Panagal Building,

Saidapet,

Chennai - 600 015.

3.The Additional Chief Conservator of Forests and

Chairman

State Level Committee

Panagal Building, Saidapet,

Chennai - 600 015.

4.The District Forest Officer

Salem Division

Salem - 7.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the third respondent to grant license to the petitioner's Saw Mill pursuant to its application dated 11.01.2016 to run a Saw Mill under Tamil Nadu Wood Based Industries Rules, 2010.

For Petitioner : Mr.S.Kadarkarai

For Respondents : Mr.M.K.Subramanian

Special Government Pleader

O R D E R

Heard Mr.S.Kadarkarai, learned Counsel appearing for the petitioner and Mr.M.K.Subramanian, learned Special Government Pleader, accepting notice on behalf of the respondents.

2.With the consent of learned counsel appearing on either side, this writ petition is taken up for final disposal, at the admission stage itself.

3.The petitioner is a Saw Mill and they have sought for issuance of mandamus to direct the third respondent to grant license to them based on their application dated 11.01.2016. The petitioner Saw Mill was established in the year 2004, after getting approval from the Local Authorities and the Inspector of Factories.

4.The learned Counsel appearing for the petitioner submitted that the Tamil Nadu Timber Merchants and Saw Mill Owners Federation filed two writ petitions, namely, W.P.(MD) Nos.8113 and 8950 of 2011 before the Madurai Bench of this Court, on behalf of its Members, who have applied for license, for their Saw Mills, which were established after 30.11.2002. This Court passed orders on 21.07.2011 and 10.08.2011 giving time bound direction and in spite of the same, no orders were passed on the applications for grant of license. Therefore, the Tamil Nadu Timber Merchants and Saw Mill Owners Federation filed an Interlocutory Application before the Honourable Supreme Court in I.A.No.3548 of 2012 in W.P.(Civil) No.202 of 1995. The Honourable Supreme Court by order dated 05.10.2015 authorised the State Level Committee to take decision regarding grant of license / permission to the Wood Based Industries subject to compliance of guidelines and procedures.

5.The learned Counsel appearing for the petitioner further submitted that the respondents have already made inspections and obtained reports. In so far as the third respondent is concerned, he had already submitted his report in 2012 itself with regard to the 15 applications pending before him for grant of Saw Mill License, which were established after 30.10.2002. Even after a lapse of six months, the respondents have not taken any steps to grant license to the Saw Mills which were established after 30.10.2002. With these facts, the petitioner seeks for a direction upon the third respondent to grant license.

6.The learned Counsel appearing for the petitioner referred to an order dated 23.06.2011 passed by this Court in W.P.No.14508 of 2011 (R.NAWAL KISHORE SINGH VS. THE DISTRICT FOREST OFFICER, SALEM AND ANOTHER) wherein direction was issued to the District Forest Officer to consider the representation of the petitioner therein, on merits and in accordance with law.

7.The learned Special Government Pleader appearing for the respondents submitted that the respondents will consider the petitioner's application as directed by this Court in the earlier writ petition, if the petitioner's application is in accordance with Rule 11 of the Tamil Nadu Regulation of Wood Based Industry Rule 2010.

8.Accordingly, there will be a direction to the third respondent to consider the petitioner's application dated 11.01.2016, if the same is in order and supported by the required materials, and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

TK

WEB COPY

To

1.The Secretary to Government
Government of Tamil Nadu
Environment and Forest Department
Fort St, George,
Chennai - 600 009.

2.The Principal Chief Conservator of Forests
Panagal Building,
Saidapet,
Chennai - 600 015.

3.The Additional Chief Conservator of Forests and
Chairman
State Level Committee
Panagal Building, Saidapet,
Chennai - 600 015.

4.The District Forest Officer
Salem Division
Salem - 7.

+ 1 cc to Mr.S. Kadarkarai, Advocate Sr.24992
+ 1 cc to Government Pleader Sr.25229

W.P.NO.14956 OF 2016

RK(CO)
Eu 13.5.16

सत्यमेव जयते
WEB COPY