

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.15189 OF 2016
AND WMP NO.13235 OF 2016

K.S.R.T. Suresh .. Petitioner

Versus

1.The District Forest Officer
Cuddalore Region
No.21, Nellikuppam Main Road,
Near Water Tank, Semmankulam,
Cuddalore.

2.Gunasundari

3.Senthil Kumar

4.Suyamburaj

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the first respondent herein not to issue any license to the respondents 2 to 4 to operate the saw mill situated in Door No.95-A, Main Road, Koothappan Kudikadu, Thittakudi Taluk, Cuddalore District and Additional Saw Mill situated in Kallar Avate, X Road, Thittakudi, without production of Legal Heir Certificate issued by the Revenue Authority.

For Petitioner : Mr.R.Gokulakrishnan

For Respondent-1 : Mr.N.Inbanathan
Government Advocate

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O R D E R

Heard Mr.R.Gokulakrishnan, learned counsel for the petitioner and Mr.N.Inbanathan, learned Government Advocate, accepting notice for the first respondent.

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. One K.S.R.Thangarasu, was granted license to establish a Wood Based Industry, by the District Forest Officer, Cuddalore, the first respondent herein and he had also applied for renewal of license by remitting the fee on 28.09.2015. Mr.K.S.R.Thangasamy died on 28.10.2015. The petitioner claims that he is the legal representative of Late K.S.R.Thangasamy and he has two sisters, namely, Tmt. Latha Arul and Tmt.Minnal Kodi.

4. According to the petitioner, the respondents 2 to 4 are trying to illegally occupy the saw mill without any license. This is preventing the petitioner seeking renewal of license in his favour, though his two sisters appear to have no objection in transferring the license in favour of the petitioner. The petitioner would further admit that the respondents 2 to 4 also claim to be the legal representative of Late Mr.K.S.R.Thangarasu. If such is the position, then the petitioner has to approach the competent Civil Court and obtain appropriate declaration / orders and then approach the first respondent. Furthermore, the legal heirship certificate is yet to be issued by the revenue officials and it appears that because of the dispute raised by the respondents 2 to 4 claiming to be the legal representatives of Late Mr.K.S.R.Thangarasu, the revenue officials are also unable to proceed further.

5. Though on an earlier occasion, the petitioner came before this Court and filed W.P.No.5165 of 2016, the said writ petition was dismissed on 11.02.2016, since the petitioner did not implead the necessary parties in the said case. However, liberty was granted to the petitioner to file a detailed representation before the first respondent furnishing full particulars and annexing documents in support of his claim. Now, the petitioner would state that he has given a representation and that has to be considered by the authority.

6. Taking note of the facts, which has been placed by the petitioner in this writ petition, the prayer sought for in this writ petition, cannot be granted, since the first respondent cannot decide, as to who is the successor in interest, to the license granted to Late K.S.R.Thangarasu. Therefore, it is for the petitioner to approach the appropriate forum for necessary orders and declaration that he and his sisters are entitled to inherit the license and thereafter, it is open to the petitioner to approach the first respondent.

7.With the above observation, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

TK

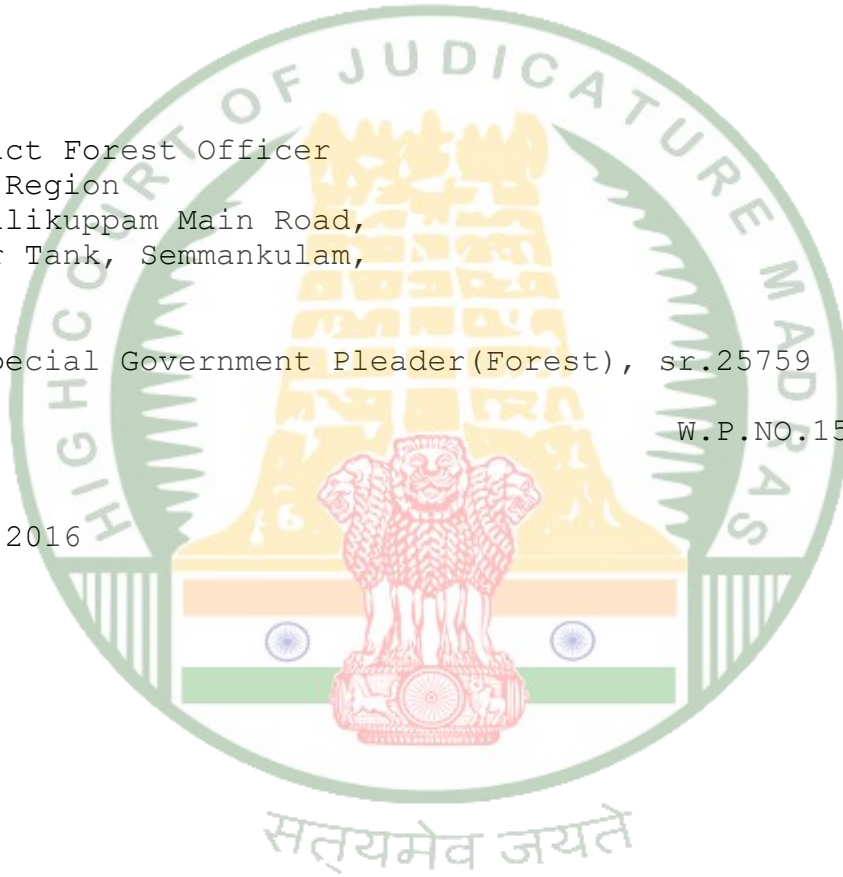
To

The District Forest Officer
Cuddalore Region
No.21, Nellikuppam Main Road,
Near Water Tank, Semmankulam,
Cuddalore.

1 cc to Special Government Pleader(Forest), sr.25759

W.P.NO.15189 OF 2016

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