

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2016

C O R A M

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.25429/2014

Thomas Edison

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Petitioner

Versus

1.The Principal Chief Conservator of Forests
Jennes Road, Panagal Maligai, Saidapet,
Chennai-15.

2.The District Forest Officer
O/o.The District Forest Office
Vellore.

3.The Executive Engineer
Town Section, Tamil Nadu
Electricity Board, Pernampet
Vellore District.

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Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorarified mandamus calling for the records on the file of the 2nd respondent in Na.Ka.No.1579/2013/L/ dated 06.12.2013 and to quash the same and consequently, direct the 2nd respondent to allow the petitioner to run the Saw Mill at No.24, South Road, Pernampet, Vellore District.

For petitioner ... Mrs.Selvi George

For R1 & R2 ... Mr.M.K.Subramanian, Spl.GP

For R3 ... Mr.M.Varunkumar

ORDER

Heard the learned counsel for the petitioner ; Mr.M.K.Subramanian, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.M.Varun Kumar, learned counsel appearing for the 3rd respondent and with their consent, the writ petition is taken up for final disposal.

2 The petitioner has filed the present writ petition praying for a writ of certiorari to quash the impugned proceedings dated 06.12.2013 and to direct the 2nd respondent to allow the petitioner to run the Saw Mill at No.24, South Road,

Pernampet, Vellore District.

3 On a perusal of the impugned proceedings, it is seen that the petitioner's application has been returned/rejected for the reasons that the petitioner has failed to produce any document to substantiate that it was an existing Saw Mill carrying on operations prior to the cut-off date, i.e., 30.10.2002. In fact, the District Forest Officer has filed an elaborate counter affidavit and stated that the petitioner has miserably failed to produce any document pertaining to the existence of the Saw Mill before 30.10.2002. In the absence of any such document being produced before the competent authority, the order passed by the 2nd respondent cannot be faulted.

4 Hence, for the above reason, no grounds have been made out by the petitioner to quash the impugned proceedings. Accordingly, the writ petition fails and the same is dismissed. No costs.

5 However, this will not prevent the petitioner from approaching the respondents 1 and 2 with proper documents to substantiate his case that the Saw Mill was in existence before 30.10.2002 and if the same is submitted, it shall be considered by the respondents 1 and 2 in accordance with law.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

To

1.The Principal Chief Conservator of Forests
Jennes Road, Panagal Maligai, Saidapet,
Chennai-15.

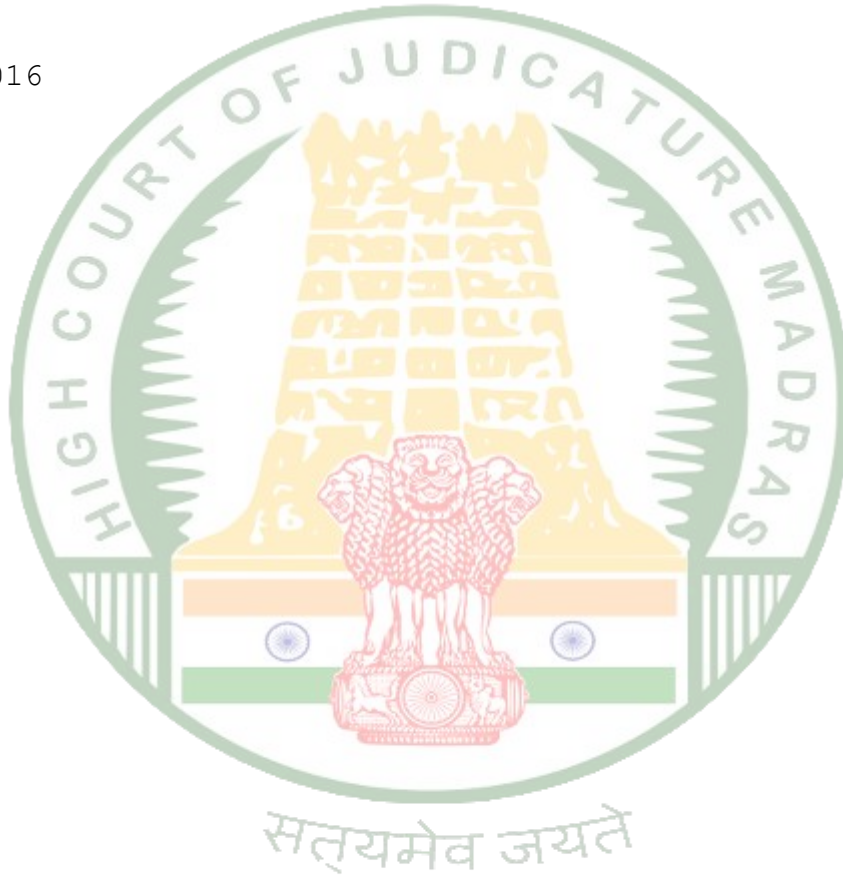
2.The District Forest Officer
O/o.The District Forest Office
Vellore.

3.The Executive Engineer
Town Section, Tamil Nadu
Electricity Board, Pernampet
Vellore District.

+1 cc to M/S.Selvi George Advocate sr.5871
+1 cc to Special Government Pleader (Forest)
sr.5296/16

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