

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.2081 of 2016

H.G.Arumugam Ex.MLA

[PETITIONER]

Vs

- 1 The Principal Chief Conservator
of Forests & Head of Forest Force
Panagal Buildings, Chennai-15.
 - 2 The Additional Principal
Chief Conservator of Forests
Social Forestry, Panagal Buildings,
Chennai-600 015
 - 3 The District Forest Officer
Madurai Division, Madurai.
- [RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, to calling for records on the file of the First Respondent herein (1) Ref.No.SF1/17774/ 2015 dated 29.08.2015 and (2) Na.Ka. No. SF1/16202/ 2015 dated 16.12.2015 and the proceedings of the third Respondent in Na.Ka. No. L/2970/2015 dated 04.01.2016 and Na. Ka. No. L/9086/2015 dated 05.01.2016 and quash the same and to direct the Respondents herein to consider the genuine claim of the Petitioners for enabling the sale of entirely uprooted Karuval (Babul) and seemai Karuvel (Prosopis) firewood in the auction of the same for the year 2015-16 upon proper fixation of minimum Market price taking all the ground realities into consideration in the light of the representations dated 26.10.2015 and 06.01.2016 made by the Registered Tamil Nadu Forest Contractors Association and to pass appropriate orders thereon, for reduction of Minimum Market Price and to conduct the sale of Seemai Karuval trees along with uprooted roots, well prior to conduct of the auction of the sale of Karuval (Babul) and Seemai Karuvel (Prosopis) firewood for the year 2015-16.

For Petitioner : Mr.M.Ravi

For Respondents :Mr.N.Inbanathan
Govt. Advocate(P)

O R D E R

Heard Mr.M.Ravi, learned Counsel appearing for the petitioner, and Mr.N.Inbanathan, learned Government accepting notice for the respondents and with their consent the Writ Petition is taken up for final disposal.

2.The petitioner is the President of the Association called Tamil Nadu Forest Contractors Association. The grievance of the petitioner is that the price fixed by the respondents 2 & 3 for sale of Karuvelam Trees is exorbitant and it is stated that the price has been fixed without taking into consideration the abundant supply of Karuvelam Trees, on account of the directions issued by Courts to remove the Karuvelam Trees, as it affects the ground water. Therefore, it is submitted that the price should be lowered down, otherwise there will no Bidders in the auction being conducted by the Forest Department and one such instance has been brought to the notice of this Court in respect of the Madurai Forest Division.

3.In my view, the fixation of price for firewood is purely an administrative decision by the Department and this Court cannot issue any Writ of Mandamus directing the authorities to fix a particular price. The authorities are the best persons to examine the issue as the price fixation is regulated based on the demand and supply. Therefore, these factors are to be taken into consideration by the authorities and it is not for the Court to substitute its opinion. Hence, the prayer sought for by the petitioner to quash the impugned proceedings dated 29.08.2015, 16.12.2015, 04.01.2016 and 05.01.2016, is rejected and the Writ Petition to that extent stands dismissed.

4.However, it is seen that the petitioner has submitted a representation to the first respondent on 06.01.2016. Since the representation is pending till date, without expressing any opinion on the merits of the contentions raised by the petitioner, there will be a direction to the first respondent to consider the representation on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

The Writ Petition is dismissed on the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpa

To

1 The Principal Chief Conservator of Forests &
Head of Forest Force
Panagal Buildings, Chennai-15.

2 The Additional Principal
Chief Conservator of Forests
Social Forestry, Panagal Buildings,
Chennai-600 015

3 The District Forest Officer
Madurai Division, Madurai

+1cc to Mr.M. Ravi, Advocate, S.R.No.3697

+1cc to the Special Government Pleader, S.R.No.3553

TEJ(CO)
EU(29/01/2016)

सत्यमेव जयते

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