

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.5771/2016 & WMP.No.5107/2016

1.S.Dhanasekaran
2.S.Rajendran
3.P.Vijayakumar
4.P.Palaniappan
5.T.Selvam
6.S.Anbarasu
7.R.Sathyanand
8.A.Mohideen Sheriff

... Petitioners

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-15.
3.The Conservator of Forests
Chennai Circle, Chennai.
4.The Conservator of Forests
Vellore Circle, Vellore.
5.The Consevator of Forests,
Villupuram circle, Villupuram.
6.The Conservator of Forests
Salem Circle, Salem.
7.The Conservator of Forests
Dharmapuri Circle, Dharmapuri.

.. Respondents

Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of Mandamus
directing the respondents 1 and 2 herein to pass appropriate
orders to conduct auction/sale of Karuval and Seemai Karuval
trees only by adopting an uniform State-wide Minimum Market

Price for the same, common to all the circles in the State from the year 2015-16.

For Petitioners : Mr.M.Ravi

For Respondents :Mr.N.Inbanathan, GA [Forests]

ORDER

Heard Mr.M.Ravi, learned counsel for the petitioners ; learned Mr.N.Inbanathan, learned Government Advocate accepting notice on behalf of the respondents and with their consent, this writ petition is taken up for final disposal at the admission stage itself.

2 The petitioners have filed the present writ petition praying for issuance of a writ of mandamus to direct the respondents 1 and 2 to pass appropriate orders to conduct auction/sale of Karuval and seemai Karuval trees by adopting Uniform Statewide Minimum Market Price.

3 The petitioners are the registered Forest Contractors who appear to have participated in various auctions conducted in the State where the Forest Department puts up for sale of Karuval and Seemai Karuval trees which have been fell. The grievance of the petitioners is that uniform price has not been adopted and the price varies from area to area and that there is no basis for such variation and only on the day of auction, the base price is made known to the bidders. Earlier, one H.G.Arumugam, a former Member of Legislative Assembly filed a writ petition before this Court in WP.No.2081/2016 to quash the order passed by the Principal Chief Conservator of Forests dated 29.08.2015 and 16.12.2015 and the consequential proceedings of the District Forest Officer, Madurai Division dated 05.01.2016 and to direct the respondents to consider the genuine claim of the petitioner for the sale of entire uprooted Karuval [Babul] and Seemai Karuval [Prosopis] firewood by proper fixation of Minimum Market Price, taking into consideration, the ground realities and taking note of the representation given by the Tamil Nadu Forests Contractors Association. Though such a larger relief was sought for, this Court, vide its order dated 21.01.2016 held that the price fixation is regulated based on demand and supply and therefore, it is for the authorities to take into consideration the relevant factors and it is not for the Court to substitute its opinion. Hence, the prayer sought for to quash the proceedings of the Principal Chief Conservator of Forests dated 25.08.2015 and 16.12.2015 and the consequential proceedings of the District Forest Officer, Madurai Range dated 05.01.2016, was rejected and

the writ petition was dismissed to that extent. However, while dismissing the said writ petition, taking note of the fact that a representation has been given to the Principal Chief Conservator of Forests, this Court directed the said authority to consider the said representation on merits and in accordance with law.

4 In the instant case, it appears that an identical relief has been sought for. The only difference being the areas said to have been involved, which is falling within the jurisdiction of the respondents 3 to 7. In any event, since already a direction has been issued to the Principal Chief Conservator of Forests, multiple directions need not be issued at the instance of all concerned since the grievance appears to be identical. Since the 1st respondent has already been directed to take into consideration the representation of the petitioner dated 06.01.2016 in WP.No.2081/2016, the 1st respondent shall also take into consideration the representation given by the petitioners dated 28.01.2016 and pass appropriate orders on merits and in accordance with law, within a period as directed by this Court in the earlier order dated 21.01.2016.

4 The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

AP

To

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

7.The Conservator of Forests
Dharmapuri Circle, Dharmapuri.

+5 ccs to M/s.M.Ravi, Advocate, sr.10296

+1 cc to Special Government Pleader, (Forest), sr.9913

WP.No.5771/2016

ug co
kra 22.02.2016



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