



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2016

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**THE HONOURABLE MR. JUSTICE M. VENUGOPAL**

Writ Petition (MD). No.10714 of 2016

M/s.Kitchas Trading Company  
rep. By its Managing Partner  
M.Paramasivan.

... Petitioner  
Vs.

1.The State of Tamil Nadu  
rep. By its Secretary,  
Environment and Forest Department  
Chennai.

2.The District Collector,  
Dindigul District,  
Dindigul.

3.The District Forest Officer,  
Kodaikanal Division,  
Kodaikanal,  
Dindigul District.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 3rd respondent to consider the petitioner's representation dated 27.04.2016 to the effect that to extend the benefit which was granted to the M/s. West Coats Paper Mills Ltd., Dandeli Karnataka in C.No.6309/05L, dated 17.08.2010 to the petitioner company namely the M/s. Kitchas Trading Company.

For Petitioner  
For Respondent

:Mr.V.Rajasekaran  
:Mr.R.Muthu Karuppan  
AGP

O R D E R

Heard both sides.

2. By consent, the main writ petition itself is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

3. According to the petitioner, it is a registered firm undertaking contract for cutting and removing of woods and other



materials from the forest. In fact, the petitioner is an approved class-I contractor.

4. The stand of the petitioner is that the third respondent/District Forest Officer, Kodaikanal Division, Kodaikanal, Dindigul District granted permission for cutting and removing the trees as well as barks. The petitioner, on seeing the advertisement approached the second respondent for allotting it the felling, billeting and transport of pine wood, wattle bark and debarked wattle wood and it opted for the same. The second respondent being satisfied with the requirements furnished by the petitioner had confirmed the same by G.O.Ms.No.191, Environment & Forest Department, dated 13.10.2005 and G.O.Ms.No.158, Environment & Forest Department, dated 31.08.2005. Pursuant to the same, the third respondent, according to the petitioner, had agreed to supply 1500 metric tons of pine wood, 2000 metric tons of debarked wattle wood and 750 metric ton of wattle bark. In fact, they had specified the area, where the dues of felling trees are there.

5. The plea of the petitioner is that it has to pay a sum of Rs.1600/- per metric ton for pine wood; Rs.1,050/- per metric ton for debarked wattle wood and Rs.2,900/- per metric ton for wattle bark as per Government Orders with a specific undertaking from it stating that it should pay the escalated amount, if any, with default class charging interest. In reality, the agreement was executed on 04.11.2005 and 22.09.2005 with a specific condition that it should remove the entire stock before 31.03.2006. Moreover, clause 21 enjoins that extension of time would be granted on condition that it should pay on the rate as determined by the Government.

6. The real grievance of the petitioner appears to be that after entering into an agreement, in the subject matter in issue, the site was not granted to it. As such, there is a delay in starting the work. Furthermore, the period given by it is also a rainy season etc., As such, the respondents, without considering the same, has issued notice to it directing it to pay a sum of Rs.50,16,569/- and directed it to pay the same within 7 days with default clause, mentioning that action would be initiated under clause 21 of the agreement, by initiating the Revenue recovery proceedings.

7. It comes to be known that the petitioner/firm filed W.P.(MD).No.4731 of 2010 and by means of an order dated 20.10.2010, the same was dismissed. In this connection, the Learned Counsel for the Petitioner brings it to the notice of this Court that the third respondent/District Forest Officer, Kodaikanal Division, Kodaikanal, Dindigul District, issued a <https://hcservices.mys/gis/hcservices/> reference C.No.6309/2005L, dated 17.08.2010, granting exemption to one M/s.West Coats Paper Mills Limited, Dandeli, Karnataka and passed the following order:



"As per the instructions issued in the Government Order above cited, 10% on the credit balance available in this division in respect of M/s. West Coats Paper Mills Limited, Dandeli, Karnataka has to be retained as penalty for non removal of 16105.995 MT. Balance credit available in the division is Rs.29,13,797/- and 10% of penalty works out to Rs.2,91,379.70 or Rs.2,91,380/-. After deducting the above said penalty amount Rs.2,91,380/-, a sum of Rs.26,22,417/- (Rs.29,13,797.00 - Rs.2,91,380.00) has to be refunded to M/s. West Coats Paper Mills Ltd., Dandeli, Karnataka as per the Government Order above cited."

Besides that the petitioner made a representation to the effect requesting the third respondent/District Forest Officer, Kodaikanal Division, Kodaikanal, Dindigul District to extend the benefits, which was granted to M/s. West Coats Paper Mills Limited, Dandeli, Karnataka to the petitioner Company.

8. The petitioner has filed the instant writ petition because of the reason that its representation sent as early as on 27.04.2016 has not seen the light of the day.

9. Considering the fact that the petitioner's relief, as sought for by it, in the writ petition, is only for passing of an order by this Court in directing the third respondent/District Forest Officer, Kodaikanal Division, Kodaikanal, Dindigul District to the effect that to extend the benefits, which was granted to M/s. West Coats Paper Mills Limited, Dandeli, Karnataka, dated 17.08.2010 to the petitioner company, this Court, without delving deep into the merits and contents of the representation of the petitioner and also not expressing any opinion one way or other in the contents and merits of the representation and also on the subject matter in issue, simpliciter, directs the third respondent/District Forest Officer, Kodaikanal Division, Kodaikanal, Dindigul District to look into the representation of the petitioner dated 27.04.2016 and to pass a reasoned, speaking orders within a period of four weeks from the date of receipt of a copy of this order. It is needless for this Court to pertinently point out that that the third respondent is to pass a reasoned, speaking order in dispassionate manner, untrammelled and uninfluenced with any of the observations made by this Court in the writ petition. It is open to the petitioner to submit a copy of the representation dated 27.04.2016 to the third respondent/District Forest Officer, Kodaikanal Division, Kodaikanal, Dindigul District. The petitioner is directed to lend its helping hand and unstinted co-operation to the third respondent/District Forest Officer, Kodaikanal Division, Kodaikanal, Dindigul District, in disposing of the representation dated 27.04.2016 in a complete and comprehensive manner.



10. With the aforesaid observations and directions, the writ petition stand disposed of. No costs.

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/True Copy/

Sd/-

Assistant Registrar(CSII)

Sub-Assistant Registrar

To

1.The Secretary,  
State of Tamil Nadu  
Environment and Forest Department  
Chennai.

2.The District Collector,  
Dindigul District,  
Dindigul.

3.The District Forest Officer,  
Kodaikanal Division,  
Kodaikanal,  
Dindigul District.

+One cc to Mr.V.Rajasekar, Advocate, SR.No.31368

+One cc to The Special Government Pleader, SR.No.31700

VS

RL/6C/4P/SKS/RR/28/6/2016

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