

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2017

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE R.PONGIAPPAN

W.A.No.1029 of 2011
and
M.P.No.1 of 2011

- 1.Member Secretary
The Central Empowered Committee,
(Constituted by Supreme Court of India)
Room No.106, Paryawaran Bhawan,
Lodi Road, New Delhi 11003, having its
regular sittings at Panagal Building,
Saidapet, Chennai - 15.
- 2.The State of Tamilnadu, Rep by
The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 15.
- 3.The District Forest Officer,
Office of the DFO, Pudukottai,
Pudukottai District. Appellants
- vs.
- 1.R.Chinniah
- 2.The Tamilnadu State Electricity Board,
Rep. by the Assistant Electricity Engineer,
Tamilnadu Electricity Board, Perungalur
... Respondents

WRIT Appeal is filed under Clause 15 of the Letters Patent,
against the orders dated 29.07.2009 in W.P.No.14765 of 2009.

Prayer in WP.No.14765/2009: Writ petition is filed to issue a
Writ of Mandamus directing the 1st respondent herein to pass
orders in the Application of the petitioner dt.../12/07, by
granting and sanctioning license, in favour of the petitioner in
the name of TVL Sri Kaleeswari Industries.

For appellants : Mr.Santhanaraman
Addl.Govt.Pleader (Forest)

For R1 : Mr.S.Ravi
for S.Kothandaraman

JUDGMENT

(Judgment of the Court was made by S.MANIKUMAR, J)

Challenge in the appeal is to an order made in W.P.No.14765 of 2009 dated 29.07.2009, by which the Writ Court, directed the Tamil Nadu State Electricity Board, represented by the Assistant Electricity Engineer, second respondent herein, not to disconnect the electricity service connection, until an order is passed by the Member Secretary, Central Empowered Committee, (Constituted by Supreme Court of India), Chennai, first petitioner herein, on the application, dated 07.12.2007, filed by the first respondent, for grant of license, to run a Timber unit.

2. Material on record discloses that while entertaining the instant writ appeal, a Hon'ble Division Bench of this Court, vide order, dated 19/7/2011, made in M.P.No.1 of 2011 in W.A.No.1029 of 2011, has granted stay of the operation of the order impugned in the writ petition.

3. On this day, when the matter came up for further hearing, inviting the attention of this Court to G.O.Ms.No.156, Environment & Forests (F.R.13) Department, dated 21st October 2010, Mr.Santhanaraman, learned Additional Government Pleader (Forests), submitted that earlier, when W.P.No.14765 of 2009, was heard, Member Secretary, Central Empowered Committee, (Constituted by Supreme Court of India), Chennai, first appellant herein, was the competent authority, to grant license to run Saw Mill and in exercise of the powers conferred, under Section 26 read with Sections 35 and 63 of the Tamil Nadu Forest Act, 1882, Government of Tamil Nadu have framed the Tamil Nadu Regulation of Wood Based Industries Rules, 2010 and accordingly, issued G.O.Ms.No.156, Environment & Forests (FR-13) Department, dated 21st October 2010.

4. As per the said Rules, the licensing Officer is a District Forest Officer, or Wildlife Warden or Deputy Director of Tiger Reserve or Divisional Forest Officer, having territorial jurisdiction, over the area in the District. Learned Additional Government Pleader (Forests) further submitted that electricity service connection has been disconnected in 2011 itself. The first respondent has not submitted any application for grant of license, to the competent authority, as per the rules.

5. Mr.S.Ravi, learned counsel appearing for the first respondent, has not disputed the above said submission.

6. Service connection, has been directed not to be disconnected, pending orders, on the application dated 07.12.2007, stated to have been made to the Member Secretary, Central Empowered Committee, (Constituted by Supreme Court of India), Chennai, first appellant herein. There is a stay in this appeal. After the advent of the Tamil Nadu Regulation of Wood Based Industries Rules, 2010, first appellant is no longer the authority to grant license. No application has been submitted to the District Forest Officer, or Wildlife Warden or Deputy Director of Tiger Reserve or Divisional Forest Officer, having territorial jurisdiction, over the area in the District.

7. In such circumstances, necessity to provide electricity supply, does not arise.

8. Accordingly, the Writ Appeal is allowed and the order passed by the Writ Court in W.P.No.14765 of 2009 is set aside. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

dm/mvs

To

1.Member Secretary

The Central Empowered Committee,
(Constituted by Supreme Court of India)
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Lodi Road, New Delhi 11003, having its
regular sittings at Panagal Building,
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2.The State of Tamilnadu,

The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
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3.The District Forest Officer,

Office of the DFO, Pudukottai,
Pudukottai District.

4.The Assistant Electricity Engineer
Tamil Nadu State Electricity Board,
Perungalur.

+1cc to Mr.S.Kothadandaraman, Advocate SR.No.88754
+1cc to Special Government Pleader(Forest) SR.No.88674

W.A.No.1029 of 2011
and
M.P.No.1 of 2011

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