

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 11.04.2017
CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 7980 of 2014
and
M.P No.1 of 2014

Selvanathan

.. Petitioner

/Vs/

1. The Chairman
Central Empowered Committee
Constituted by Supreme Court
of India, II Floor,
Chanakya Bhavan
Chanakyapuri, New Delhi.
2. The Principal Chief Conservator
of Forests, Govt. of Tamilnadu
1, Jeeni's Road, Panagal Bldg.,
Saidapet, Chennai -15.
3. The Conservator of Forests
Trichy Circle, J.K. Nagar
Trichy - 23.
4. The Wild Life Warden
Nagapattinam Forest Division
Collectorate Campus
Nagapattinam - 611 003.
5. The Forest Ranger
Nagapattinam Forest Range
III Floor, Collector's Office
Nagapattinam - 611 003.
6. R.M.S. Raman .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 5, more particularly 5th respondent to complete his enquiry in pursuance to his enquiry summons in his proceedings Na.Ka. No. 28/2013 dated 30.04.2013 and pass orders for granting licence to petitioner for running his Sri Kanapathy Saw Mill at Velankanni Road, Akkaraipettai, Nagapattinam District and pass further orders.

For Petitioner : Mr. S. Sounthar

For Respondents : Mr. N. Inbanathan
Govt. Advocate (Forests)
for R1 to R5

Mr. Srinath Sridevan for R6

O R D E R

This Writ Petition has been filed seeking to direct the respondents 1 to 5, more particularly 5th respondent to complete his enquiry in pursuance to his summons in proceedings Na.Ka. No. 28/2013 dated 30.04.2013 and pass orders for grant of licence to the petitioner, for running his Sri Kanapathy Saw Mill at Velankanni Road, Akkaraipettai, Nagapattinam District.

2. Learned counsel for the petitioner submitted that the petitioner was running a saw mill in the name of Sri Kanapathy Saw Mill. The said saw mill was destroyed by Tsunami during 2004. As per the directions of the Hon'ble Supreme Court dated 09.05.2002, no saw mill was allowed to function, without proper licence. However, saw mills started prior to 30.10.2002 were permitted to function by obtaining licence. According to the petitioner, the 6th respondent, using forged documents had obtained licence, as if he is the owner of Sri Kanapathy Saw Mill, to be run in a different locality. In this regard, the petitioner submitted an application to the respondents and enquiry was conducted. But, no orders have been passed by the 5th respondent and so the request of the petitioner for grant of licence is still pending. Learned counsel further submitted that the 6th respondent has obtained the licence for running his saw mill, by misrepresenting that he is the owner of the saw mill belonging to the petitioner. Although enquiry was over in the year 2013, still no orders have been passed by the respondents, due to which, the petitioner is unable to run his saw mill and lead his livelihood. Aggrieved by the inaction of the respondents, this writ petition has been filed seeking the aforesaid prayer.

3. On the basis of the counter affidavit filed by the respondents 1 to 5, learned Government Advocate, brought to the notice of this Court that pursuant to the enquiry conducted by the 5th respondent, the report in Proceedings Na.Ka.No.377/2013 dated 13.12.2013 has been sent to the 3rd respondent. However, in view of the pendency of this writ petition, the 3rd respondent has not passed the final orders, on the basis of the enquiry report submitted by the 5th respondent.

4. Learned counsel for the petitioner would submit that an opportunity of hearing, may be given to the petitioner as well as the 6th respondent, before passing the final orders.

5. Heard learned counsel for all the parties and perused the material available on record.

6. Taking into consideration, the aforesaid fact and the statement made by the learned counsel for the parties, in the interest of justice, I am inclined to direct the 3rd respondent to pass final orders, on merits and in accordance with law, after providing an opportunity to the parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order. It is needless to state that the 3rd respondent has to furnish a copy of the enquiry report to both the parties.

7. This Writ Petition is disposed of, with the above direction. Consequently, the connected Miscellaneous Petition is closed. No order as to costs.

-s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

avr

To

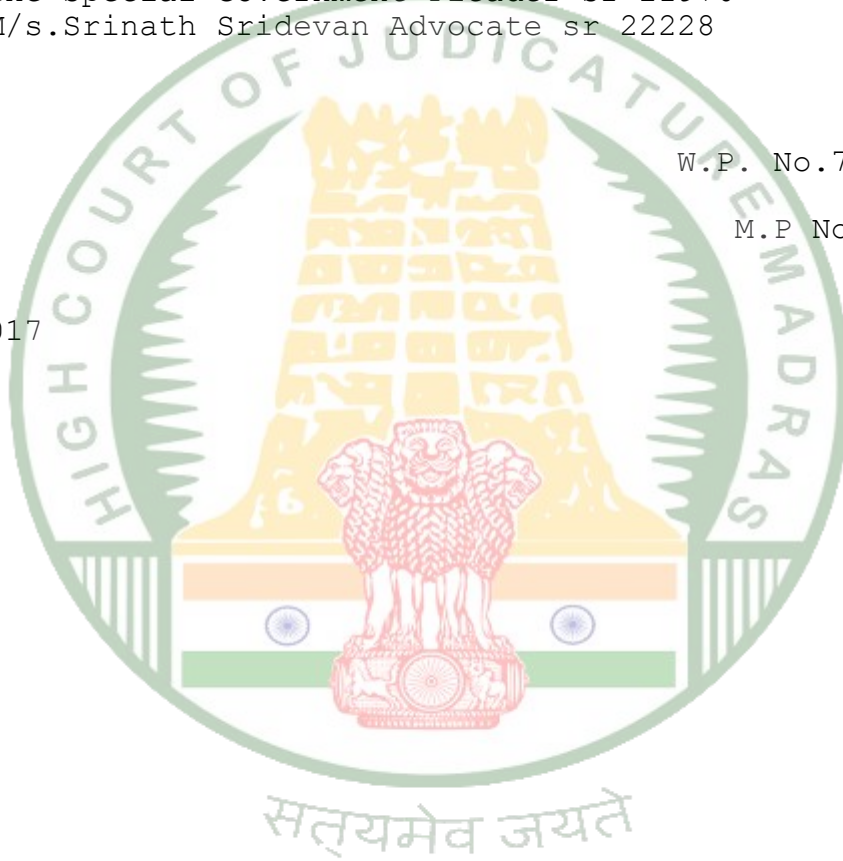
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+1 cc to M/s.S.Sounthar Advocate sr 21865
+1 cc to the Special Government Pleader sr 21976
+1 cc to M/s.Srinath Sridevan Advocate sr 22228

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