

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.03.2017

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.3999 of 2017
and
W.M.P.No.4109 of 2017

S.M.Devaraj

... Petitioner

Vs

1. The District Forest Officer,
Vellore Region,
Vellore.

2. The Forest Ranger,
Gudiyatham Circle,
Gudiyatham,
Vellore District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue writ of Mandamus directing the respondents to renew the license to the petitioner's Saw Mill M/s.Lala Lajapathi Saw Mill bearing Registered No.GDM101/2008 situated at 19B, Sudhandhira Veedhi, Palamanier Road, Gudiyatham.

For Petitioner : Mr.D.Rajagopal

For Respondents 1 & 2: Mr.R.Santhana Raman,
Additional Government Pleader
(Forest)

O R D E R

The prayer in the writ petition is for issuance of a writ of Mandamus directing the respondents to renew the license to the petitioner's Saw Mill M/s.Lala Lajapathi Saw Mill bearing registered No:GDM101/2008 situated at 19B, Sudhandhira Veedhi, Palamanier Road, Gudiyatham.

2. According to the petitioner, he was running a Saw Mill in the name of M/s. Lala Lajapathi Saw Mill and obtained SSI certificate bearing Registration No:180105620 dated 28.02.1985. The electricity connection stands in the name of the petitioner and the said saw mill was registered under G.O.Ms.No.355 E and

Tamil Nadu Forest Act 1982 bearing Registration No:GDM101/2008. The District Forest Officer, Vellore Division gave a certificate on 01.04.2010 and the Saw Mill license has been renewed. The petitioner was renewing the Saw Mill licence till the year 2010. On 24.01.2013, the petitioner paid Rs.5,000/- towards the renewal of saw mill licence from the year 2011 to 2015 before the Forest Range Officer, Gudiyatham and obtained a challan on 28.01.2013. Even after receipt of the amount, the second respondent did not come forward to renew the license.

3. Thereafter, the petitioner approached the respondents and gave representations on several occasions and requested to renew the license. But, the respondent officials orally informed the petitioner that if amount is paid, it amounts to renewal of license. Believing their words, the petitioner was continuously running the Saw Mill. On 09.12.2016, without any intimation or notice, the Forest Department Officials came to the petitioner's Saw Mill and sealed the premises, when the workers were working. The grievance of the petitioner is that when his application is pending before the Forest Department, their officials ought not to have sealed the premises without any intimation or notice. Hence, aggrieved by the said act of the respondents, the petitioner is before this Court seeking a direction to the respondents to renew his Saw Mill Licence.

4. Learned Additional Government Pleader submitted that the petitioner had obtained Saw Mill license in the year 2008 and thereafter, it has been renewed upto 31.12.2010. The petitioner has not filed any application seeking renewal of licence after its expiry, i.e. after 31.12.2010. It is his contention that the petitioner has not filed any application to the respondent department within the time stipulated or in the year 2013. In the typed set of papers, the petitioner has only furnished a copy of the challan amount credited in favour of the respondent Department, but, no other materials have been placed before this Court and that the petitioner has made an application before the authority during the pendency of the writ petition. Therefore, the contention of the petitioner cannot be accepted and the Writ Petition is liable to be dismissed.

5. The only point for consideration in this matter is whether the application submitted by the petitioner for renewal of license for the period 2011 to 2015 can be considered by this Court.

6. According to the petitioner, admittedly the application seeking renewal of Saw Mill has been submitted in the year 2013 seeking renewal of licence for the period 2011-2015. To prove the same, the petitioner has filed a copy of the challan for payment of Rs.5,000/- towards Saw Mill licence renewal fee.

Except the said document, no other material is placed before this Court to show the bonafide of the petitioner.

7. Further, it is represented by the learned Additional Government Pleader, that the petitioner, in order to renew his Saw Mill licence, has to apply as per the Rules stipulated under the Tamil Nadu Regulation of Wood Based Industries Rules, 2010.

8. Taking note of the submissions made by the learned counsel on either side and considering the facts and circumstances of the case, this Court is inclined to pass the following order:

(i) It is open to the petitioner to make an application seeking renewal of license under Tamil Nadu Regulation Wood Based Industries Rules, 2010 within a period of one week from the date of receipt of a copy of this order.

(ii) On receipt of such application from the petitioner seeking renewal of Saw Mill licence within the aforesaid period, the respondent Department is directed to consider the same on merits and in accordance with law, as expeditiously as possible, preferably within a period of eight weeks.

This Writ Petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

To

1. The District Forest Officer,
Vellore Region, Vellore.

2. The Forest Ranger,
Gudiyatham Circle,
Gudiyatham, Vellore District.

+1 cc to Mr.D.Rajagopal,advocate,sr.15596

+1 cc to Spl.Govt.Pleader,sr.15546.

mpi (co)
krd 3/4

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