



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.06.2017

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.20375 of 2014

P.Kanaga Sabavathy

... Petitioner

Vs.

The District Forest Officer/
Licencing Officer,
Kanyakumari District Forest Division,
Nagercoil,
Kanyakumari District-629 001.

... Respondent

\PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records in connection with the impugned order passed by the Respondent in Na.Ka.No. L/11613/2013 dated 05.12.2013 and the consequential impugned order passed in Na.Ka.No. 11613/2013 L dated 04.02.2014 quash the same as illegal and consequently directing the Respondent to issue licences to the petitioner for his Saw Mill situated at Door No. 122/1 Beach Road Nagercoil Kanyakumari District 629 001 and the Wood Based Industry namely M/s South India Fuel (Pvt) Ltd. situated at Survey No. 772/2B Keelakattuvelai Street, Madhusoothanapuram Village, Agasteeswaram Taluk, Kanyakumari District.

For Petitioner : Mr.S.Bharathy Kannan

For Respondent : Mr.G.Muthukaruppan

Govt. Advocate

O R D E R

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus to call for the records in connection with the impugned order passed by the respondent in Na.Ka.No.L/11613/2013 dated 05.12.2013 and the consequential impugned order passed in Na.Ka.No. 11613/2013 L dated 04.02.2014 quash the same as illegal and consequently directing the respondent to issue licence to the petitioner for his Saw Mill situated at Door No. 122/1 Beach Road, Nagercoil, Kanyakumari District, 629001 and the Wood Based Industry, namely, M/s South India Fuel (Pvt) Ltd, situated at Survey No.772/2B Keelakattuvelai Street, Madhusoothanapuram Village, Agasteeswaram Taluk, Kanyakumari District.



2. Though the petitioner has averred many other things in the affidavit filed in support of this writ petition, when the matter was taken up for hearing, the learned counsel for the petitioner would submit that the respondent has proceeded the applications of the petitioner as if the petitioner has sought for license for wood based industries alone, whereas, the petitioner has sought for running the saw mill as well as wood based industries. Further, he would submit that it would be suffice, if the respondent process the applications of the petitioner on the basis of Tamil Nadu Regulations of Wood Based Industries Rules, 2010 as well as Wood Based Industries (Establishment and Regulations) Guidelines 2016, for giving license to the saw mill functioning at Door No.122/1, Beach Road, Nagercoil, Kanyakumari District-629 001 and wood based industries functioning at MM/s South India Fuel (Pvt) Ltd, situated at Survey No.772/2B Keelakattuvelai Street, Madhusoothanapuram Village, Agasteeswaram Taluk, Kanyakumari District and pass necessary orders within the time frame to be fixed by this Court.

3. To the afore-said submission, the learned Government Advocate would fairly submit that the applications of the petitioner would be considered afresh as per the Tamil Nadu Regulations of Wood Based Industries Rules, 2010 as well as Wood Based Industries (Establishment and Regulations) Guidelines 2016, if the petitioner submits applications afresh along with a copy of this order supported by necessary documents to substantiate his claim.

4. In the light of the above, the impugned orders in this writ petition stand set aside and the matter is remanded back to the respondent for fresh consideration and the petitioner is directed to submit a fresh representation along with the supported documents to substantiate his claim, by enclosing a copy of this order to the respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondent is directed to dispose of the applications of the petitioner as per the Tamil Nadu Regulations of Wood Based Industries Rules, 2010 and Wood Based Industries (Establishment and Regulations) Guidelines, 2016 within a further period of four weeks thereafter, after affording an opportunity of personal hearing to the petitioner.

With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



To

The District Forest Officer/Licencing Officer,
Kanyakumari District Forest Division,
Nagercoil, Kanyakumari District-629 001.

+1CC to M/S.S.Bharathy Kannan, Advocate, SR.No. 60125

+1CC to the Special Government Pleader SR.No. 60206

W.P. (MD) No.20375 of 2014
12.06.2017

ssm

AM/GT/SAR 2/20.06.2017/3P/4C