



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. (MD) .Nos.9819 and 13656 of 2015 &
M.P. (MD) .Nos.1 and 3 of 2015

W.P. (MD) .No.9819 of 2015

South Zone Math Splints &
Veneers Trader's Welfare Association (Regd.No.65/04),
Rep. by its Secretary,
K.Sermakani,
No.1/5, Industrial Estate,
Kovilpatti,
Thoothukudi District.

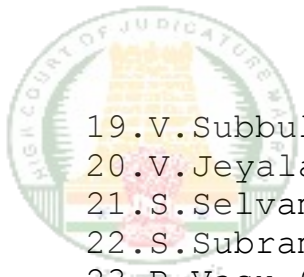
: Petitioner

Vs.

1. The Member Secretary,
Central Empowered Committee,
2nd Floor, Chankya Bhavan,
Chankyapuri,
New Delhi-110 021.
2. The Principal Chief Conservator Forest,
Panagal Maligai,
Saidapet, Chennai.
3. The Principal Secretary/Chairman and
Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai -2.
4. The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Distribution and Maintenance,
Kovilpatti,
Tuticorin District.
5. The District Forest Officer,
Office of the District Forest Officer,
Thoothukudi,
Thoothukudi District.



6. The Forest Ranger,
Office of the Forest Ranger,
Kovilpatti Range,
Kovilpatti,
Thoothukudi District.
7. S.Janardhanan
S/o.Sundaram,
Balaji Wood Industries,
D.No.410A/2, Thittankulam,
Kovilpatti, Thoothukudi District.
8. D.Krishnamoorthi, S/o.S.S.Duraisamy Nadar,
Library Match Company Unit-II,
196/5, Manthithoppu, Kovilpatti,
Thoothukudi District.
9. N.Ethiraj, S/o.K.Nanthiraj
Sri Navin Industries,
649 A/3, South Thittangulam,
Kovilpatti, Thoothukudi District.
10. R.S.Lakshmi, W/o.Ravisankar,
497G/1, Plot No.64,
SIDCO Thittangulam,
Kovilpatti, Thoothukudi District.
11. Rajesh Kannan, S/o.A.Kandasamy,
Proprietor,
M/s.Jeya Industries,
4196/1, Thittangulam,
Kovilpatti, Thoothukudi District.
12. P.Jeyalakshmi
13. P.Ramachandran S/o.P.Palanichamy
D.No.497 D/1, SIDCO,
Thittangulam,
Kovilpatti,
Thoothukudi District.
14. R.Vinod Prabhakaran
Proprietor,
Vinod Traders, Plot No.60, D.No.779/1, SIDCO,
Thittangulam, Kovilpatti, Thoothukudi District.
15. P.Gopal S/O.Periyamadan
16. Itsaiah Jeyaraj,
17. Guruvammal,
18. L.Karpaga Jothi



- 19.V.Subbulakshmi
- 20.V.Jeyalakshmi
- 21.S.Selvamani
- 22.S.Subramaniyan
- 23.R.Vasu @ Raj

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- 24.S.Rathina Kumar S/O.R.Shanmugakani
M/s.Arunachala Wood Industries,
Door No.514-A/3, South Thittankulam Village, Kovilpatti,
Thoothukudi District.
- 25.P.Seenivasan S/o.Perumalsamy
SAI Wood Industries, G-4, Industrial Estate, Ettayapuram Road,
Kovilpatti, Thoothukudi District.
- 26.R.Femina
- 27.K.Mariyappan
- 28.Ayyadurai
- 29.M.Balasubramanian S/O.Mariappa Nadar,
M/s.Uma Industries,
SIDCO, Thittangulam,
Kovilpatti, Thoothukudi District.
- 30.S.K.Ramasubu, S/O.Kandasamy,
Sree Murugan Match Industries,
Koppampatti, Thoothukudi District.
- 31.N.Venkadachalapathy
- 32.Subbiya Nadar S/O.Sivananainda Nadar,
Anns Industries,
Ettayapuram Road,
Kovilpatti, Thoothukudi District.
- 33.Vengada Subraminiya Raja, S/O.M.Balasubramanian,
K.M.Industries, Ettayapuram Main Road, Kovilpatti,
Thoothukudi.
- 34.Thilagavathy, Proprietrix,
M/s.Jai Sakhi Industries,
21, SIDCO Industrial Estate,
Thittankulam, Kovilpatti,
Thoothukudi District.
- 35.N.Srinivasa Nadar.
- 36.Kamalam
- 37.Santhanam
- 38.Sivakumaran S/O.Pillay
- 39.S.Chandrasekaran
- 40.T.Ganapathy



41.M.Lakshmanamoorthy
42.M.Kombaiah
43.K.Rajammal
44.Chellamari
45.M.Ponusamy
46.D.Rajan
47.I.Subburaj

48.A.Dhanabalan Mosi, S/O.Ayyanadar, Proprietor,
Murugan Enterprises,
SIDCO, Kovilpatti, Thoothukudi District.

49.M.R.Thilagaraj
50.J.Kamala Engle
51.K.Kannan
52.P.Velu

: Respondents

(R7 to R52 impleaded vide Court order dated 07.08.2015 in M.P.
(MD).No.4 of 2015)

PRAYER: Writ Petition is filed under Article 226 of the
Constitution of India to issue a writ of Certiorari calling for
the entire records pertaining to the impugned order issued by the
first respondent in his proceedings in File No.2-31/CEC/SC/2103-Pt
V, dated 06.04.2015 and quash the same.

For Petitioner	: Mr.AR.L.Sundaresan Senior Counsel for Mr.P.Banuprasath
For Respondents	: Mrs.Victoria Gowri for R1 Mr.M.Murugan for R2, R5 & R6 Government Advocate Mr.M.Anantha Padmanabhan for R7 to R52 No appearance for R3 & R4

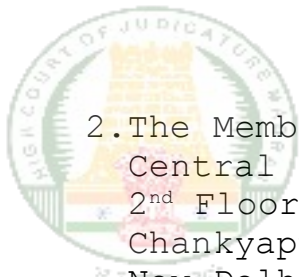
W.P. (MD) .No.13656 of 2015

South Zone Math Splints &
Veneers Trader's Welfare Association (Regd.No.65/04),
Rep. by its Secretary,
K.Sermakani,
1/5, Industrial Estate,
Kovilpatti,
Thoothukudi District.

: Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Principal Secretary,
Tamil Nadu Forest Department,
Secy to Government,
Chennai.



2.The Member Secretary,
Central Empowered Committee,
2nd Floor, Chankya Bhavan,
Chankyapuri,
New Delhi-110 021.

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3.The Principal Chief Conservator Forest,
Panagal Maligai,
Saidapet, Chennai.

4.The Principal Secretary/
Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
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5.The Executive Engineer,
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6.The District Forest Officer,
Office of the District Forest Officer,
Thoothukudi,
Thoothukudi District.

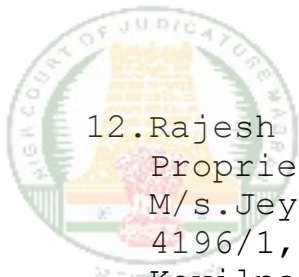
7.The Forest Ranger,
Office of the Forest Ranger,
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Kovilpatti,
Thoothukudi District.

8.S.Janardhanan
S/o.Sundaram,
Balaji Wood Industries,
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Kovilpatti, Thoothukudi District.

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Kovilpatti, Thoothukudi District.

11.R.S.Lakshmi, W/o.Ravisankar



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M/s.Jeya Industries,
4196/1, Thittangulam,
Kovilpatti, Thoothukudi District.

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14. P.Ramachandran
15. R.Vinod Prabhakaran
Proprietor,
Vinod Traders, Plot No.60, D.No.779/1, SIDCO,
Thittangulam, Kovilpatti, Thoothukudi District.

16. P.Gopal
17. G.Kathiresan,
18. Guruvammal,
19. L.Karpaga Jothi
20. V.Subbulakshmi
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24. R.Vasu @ Raj

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Kovilpatti, Thoothukudi District.

27. R.Femina
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29. Ayyadurai

30. M.Balasubramanian S/O.Mariappa Nadar,
M/s.Uma Industries,
SIDCO, Thittangulam,
Kovilpatti, Thoothukudi District.

31. S.K.Ramasubu, S/O.Kandasamy,
Sree Murugan Match Industries,
Koppampattim, Thoothukudi District.

32. N.Venkadachalapathy

33. Subbiya Nadar S/O.Sivananainda Nadar,
Koppampattim, Thoothukudi District,
Ettayapuram Road,
Kovilpatti, Thoothukudi District.



34. Vengada Subraminiya Raja, S/O.M.Balasubramanian,
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36. N.Srinivasa Nadar

37. Kamalam

38. Santhanam

39. Indra Ramamoorthy

40. S.Chandrasekaran

41. T.Ganapathy

42. M.Lakshmanamoorthy

43. M.Kombaiah

44. K.Rajammal

45. Chellamari

46. M.Ponusamy

47. D.Rajan

48. I.Subburaj

49. A.Dhanabalan Mosi, S/O.Ayyanadar, Proprietor,
Murugan Enterprises,
SIDCO, Kovilpatti, Thoothukudi District.

50. M.R.Thilagaraj

51. J.Kamala Engle

52. K.Kannan

53. P.Velu

: Respondents

(R8 to R53 impleaded vide Court order dated 01.10.2015 in M.P.
(MD).No.2 of 2015)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Declaration declaring the Government Order issued by the first respondent in his proceedings in G.O.Ms.No.79 Environment and Forests (FR-13) Department, dated 23.07.2015 amending rule 14 of Tamil Nadu Regulation of Wood Base Industries Rules in so far as it exempts Match Splint Industries from the purview of Tamil Nadu Regulation of Wood Base Industries Rules as ultra vires the Constitution of India.

For Petitioner : Mr.AR.L.Sundaresan
Senior Counsel for
Mr.P.Banuprasath

For Respondents : Mr.M.Murugan for R1, R3, R6 & R7
Government Advocate
Mrs.Victoria Gowri for R2
Mr.M.Anantha Padmanabhan
for R8 to R53
No appearance for R4 & R5

**COMMON ORDER**

[Order of the Court was made by **M.M.SUNDRESH, J**]

W.P.(MD)No.13656 of 2015 has been filed seeking a writ of Declaration declaring the Government Order issued by the first respondent in his proceedings in G.O.Ms.No.79 Environment and Forests (FR-13) Department, dated 23.07.2015 amending rule 14 of Tamil Nadu Regulation of Wood Base Industries Rules in so far as it exempts Match Splint Industries from the purview of Tamil Nadu Regulation of Wood Base Industries Rules as ultra vires the Constitution of India.

2. The learned Senior appearing for the petitioner would submit that in view of subsequent guideline come into force as Wood-Based Industries (Establishment and Regulation) Guidelines, 2016, a license is mandatory for screening by the State Level Committee.

3. The learned counsel appearing for the contesting respondents would submit as per the earlier provisions contained in Tamil Nadu Regulation of Wood Based Industries Rules 2010 and G.O.Ms.No.79 Environment and Forests (FR-13) Department, dated 23.07.2015, permission has been obtained from the Central Empowered Committee.

4. We do not propose to go into the issue as to which Rule or guideline would follow. Even according to the petitioner, it is the guideline of the year 2016, dated 22.09.2016 would follow. If that is the case, there is no need to challenge the present impugned regulation. In such view of the matter, writ petitions are dismissed as infructuous. However, liberty is given to the petitioner to work out their remedy in the manner known to law, if he is so desire. We make it clear it is for the respondent 1 and its officials to take a decision in this regard. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary, State of Tamil Nadu
Tamil Nadu Forest Department, St.George Fort, Chennai.

2. The Member Secretary,
Central Empowered Committee,

2nd Floor, Chankya Bhavan, Chankyapuri, New Delhi-110 021.



3. The Principal Chief Conservator Forest,
Panagal Maligai, Saidapet, Chennai.
4. The Principal Secretary/
Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai -2.
5. The Executive Engineer,
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Distribution and Maintenance, Kovilpatti, Tuticorin District.
6. The District Forest Officer,
Office of the District Forest Officer,
Thoothukudi, Thoothukudi District.
7. The Forest Ranger,
Office of the Forest Ranger, Kovilpatti Range,
Kovilpatti, Thoothukudi District.

+2cc to Mrs. Victoria Gowri, Advocate Sr.No.71755
+1cc to Mr.P.Banuprasath, Advocate Sr.No.71738
+1cc to Mr.M.Anantha Padmanabhan, Advocate Sr.No.71753
+1cc to Spl.Government Pleader Sr.No.72041

JIKR

VB/SKN/SAR1/23.08.2017/9P/13C

**COMMON ORDER MADE IN
W.P. (MD) .Nos.9819 and 13656 of 2015 &
M.P. (MD) .Nos.1 and 3 of 2015
09.08.2017**