



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

W.P (MD) No. 16808 of 2017

and

W.M.P (MD) No.13410 of 2017

R.Mani

.. Petitioner

Vs.

1.The Chief Conservator of Forest,
Panagal Buildings,
Annasalai, Saidapet,
Chennai - 15.

2.The Additional Conservator of Forest,
Virudhunagar.

3.The District Forest Officer,
Sivagangai District,
Sivagangai.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records in Na.Ka.No.2833/2015/Thee dated 18.08.2017 and quash the same and directing the respondents to give petitioner a shifting permit within a time frame.

For Petitioner : Mr.T.S.R.Venkatramana

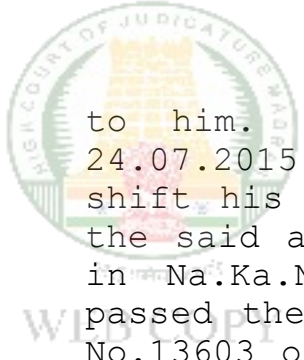
For Respondents : Mr.S.Kumar,
Additional Government Pleader

ORDER

This writ petition has been filed by the petitioner, seeking a writ of Certiorarified Mandamus to quash the impugned proceedings of the third respondent in Na.Ka.No.2833/2015/Thee dated 18.08.2017 and to direct the respondents to give permission to shift his Saw Mill Industry.

2.Mr.S.Kumar, learned Additional Government Pleader takes notice for the respondents. By consent, this case has been taken up for disposal at the admission stage itself.

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According to the petitioner, he had purchased a Saw Mill by name, MAM Kumar Saw Mill and decided to shift the same to another place in S.No.645/14 (Patta No.4207), which also belongs



to him. Therefore, he has submitted an application dated 24.07.2015 to the respondents, requesting them to permit him to shift his Saw Mill Industry to the aforesaid new place. Though the said application was taken on file by the respondents 1 to 3 in Na.Ka.No.2833/2015/T dated 15.09.2015, no orders have been passed thereon, which constrained the petitioner to file W.P(MD) No.13603 of 2017, wherein, this Court, by order dated 07.08.2017, directed the respondents 1 to 3 to consider the application of the petitioner and pass necessary orders within a period of six weeks, after due notice to the petitioner. As the respondents have passed the present impugned order without strictly following the direction of this Court, the petitioner is before this Court again.

4. The only assailment of the petitioner on the impugned order dated 18.08.2017 is that the respondent has unilaterally passed the order without affording any opportunity of hearing to the petitioner, which shows a total non-application of mind on the part of the respondents before issuing such order. It is also not the case of the respondents that opportunity of hearing was given to the petitioner before passing the present impugned order, as directed by this Court on 07.08.2017. Therefore, on this sole ground alone, the impugned order is liable to be set aside.

5. Accordingly, this petition is allowed. The impugned order is set aside and the matter is remitted to the the respondents for fresh consideration. It is needless to mention here that before passing orders on the application of the petitioner dated 24.07.2015, which was taken on file by the respondents 1 to 3 in Na.Ka.No.2833/2015/T dated 15.09.2015, necessarily due opportunity of hearing shall be afforded to the petitioner. The whole exercise shall be completed within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

1.The Chief Conservator of Forest,

Panagal Buildings, Annasalai, Saidapet,
Chennai - 15.

2.The Additional Conservator of Forest, Virudhunagar.

3.The District Forest Officer,

Sivagangai District, Sivagangai.

+One cc to Mr.T.S.R.Venkat Ramana, Advocate, SR.No.76755

gk

<https://hcservices.courtsofgov.in/hcservices/> SAR1/8/9/2017

ORDER MADE IN

W.P (MD) No.16808 of 2017

06.09.2017