



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2017

CORAM:

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.P. (MD) No.19878 of 2017

M.Seyalmurugan : Petitioner

.vs.

1. The Principal Secretary/Chairman and
Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai,
Chennai - 600 002.
 2. The Superintending Engineer,
Tamil Nadu General and Distribution Corporation
Limited,
(TANGEDCO),
Tuticorin.
 3. The Executive Engineer,
Tamil Nadu General and Distribution Corporation
Limited,
(TANGEDCO),
Kovilpatti,
Tuticorin District.
- : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus directing the Respondents 2 and 3 to comply with the communication sent by the District Forest Officer, Tuticorin by his proceedings in Na.Ka.No.Ku/6142/2006, dated 11.10.2017 within the time stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu
for M/s.A.S.Vaigunth

For Respondents : Mrs.Parameswari
1 to 3 for Mr.S.M.S.Johnny Basha
Standing Counsel for TNEB



O R D E R

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

WEB COPY This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the Respondents 2 and 3 to comply with the communication sent by the District Forest Officer, Tuticorin by his proceedings in Na.Ka.No.Ku/6142/2006, dated 11.10.2017 within the time stipulated by this Court.

2.Heard both sides. No counter is filed on behalf of the respondents.

3.By consent, the main Writ Petition itself is taken up for final disposal.

4.According to the Petitioner, he is a member of Water Shed Committee at Chidambarapuram. The aim of the Committee is to protect the water bodies. They have planted nearly 200 trees and maintaining the same. They have also conducted so may programmes regarding awareness to the general public to plant the trees.

5.The stand of the Petitioner is that the Honourable Supreme Court had directed the State Governments to regularize the Saw Mill, Veneer and Plywood Industry and issue licence to the Saw Mill, Veneer and Plywood Industry established prior to 30.10.2002. Infact, the Honourable Supreme Court strictly directed the State Government to take necessary action against the Saw Mill, Veneer and Plywood Industry etc., which are being run without licence.

6.The categorical stand of the Petitioner is that pursuant to the order passed by the Honourable Supreme Court, the Government of Tamil Nadu had framed the Rule in Tamil Nadu Regulation of Wood Based Industries Rules, 2010. As per Rule 2, the District Forest Officer is the Licensing Authority and in fact, the Saw Mill, Veneer and Plywood Industry owners should submit their applications together with other documents before the District Forest Officer seeking licence. If the owners have satisfied that their unit was established prior to 30.10.2012, the District Forest Officer can issue licence to them.

7.Because of the Communication of the Third Respondent/The Executive Engineer, Tamil Nadu Generation and Distribution Corporation Limited(TANGEDCO), Kovilpatti, Tuticorin District, the Petitioner has filed the present Writ Petition seeking issuance of a Writ of Mandamus in directing the Respondents 2 and 3 to comply with the communication issued by the District Forest Officer, Tuticorin, dated 11.10.2017.



8. In reality, on 28.5.2014 in W.P(MD)No.8601 of 2014, this Court at Paragraph 4 to 6, had observed the following:

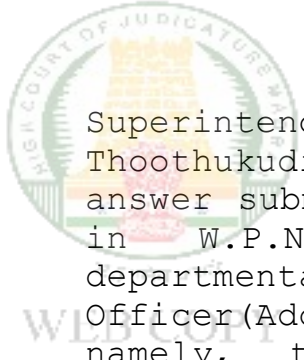
''4. Learned Counsel appearing for the Petitioner would submit that as per the order passed by the Honourable Supreme Court, the Government of Tamil Nadu has framed the Rule in Tamil Nadu Regulation of Wood Based Industries Rules, 2010 and as per the above said Rule and the direction of the Honourable Supreme Court, only 57 owners of the Saw Mill in the Thoothukudi District applied licence and they were issued licence by the first respondent. But more than 100 Saw Mills and Veneer are being run without licence. The first respondent by his proceedings in Na.Ka.No.Ku/6142/2006 dated 18.4.2014 requested the second respondent to disconnect the Electricity Connection to the Saw Mills and Veneer Unit, which are being run without licence. In spite of the above said communication of the first respondent, the second respondent has not taken any action to comply with the communication. Therefore the Writ Petitioner has sent a representation on 19.1.2014 to the second respondent. But the said representation has not been considered so far. Therefore, the present Writ Petition is filed.

5. The learned counsel appearing for the Petitioner would submit that this Court may direct the second respondent to consider the above said representation given by the Writ Petitioner on 19.1.2014.

6. In view of the above submission, the second respondent is directed to consider the representation given by the Petitioner on 19.1.2014 and pass necessary orders on the above said representation within a period of one month from the date of receipt of a copy of this order.''

9. The grievance of the Petitioner is that the order passed by this Court in W.P(MD)No.8601 of 2014, dated 28.5.2014 was not complied with and hence the Petitioner, on an earlier occasion, filed a Contempt Petition in Cont.P(MD)No.954 of 2014 before this Court and ultimately, this Court had directed the District Forest Officer to furnish the list of un-licenced Saw Mills and Veneer Match Stick within 10 days from the date of receipt of a copy of this order.

10. When a query is put forward to the Learned Counsel for the District Forest Officer, how the Petitioner has filed the present Writ Petition based on the internal communication of the District Forest Officer(Additional Charge), Thoothukudi addressed to the



Superintending Engineer, TANGEDCO, Tamil Nadu Electricity Board, Thoothukudi, the Learned Counsel for the Petitioner by way of answer submits that only based on the orders passed by this Court in W.P.No.9819 and 13656 of 2017, dated 9.8.2017, an inter-departmental communication was addressed by the District Forest Officer(Additional Charge), Thoothukudi to another Officer namely, the Superintending Engineer, TANGEDCO, Tamil Nadu Electricity Board, Thoothukudi and therefore, the Writ Petition filed by the Petitioner is *per se* maintainable.

11.At this juncture, this Court on mere running of the eye over the contents of the internal communication in Na.Ka.No.Ku.6142/2006, dated 11.10.2017 of the District Forest Officer(Additional Charge), Thoothukudi addressed to the Superintending Engineer, TANGEDCO, Tamil Nadu Electricity Board, Thoothukudi, is of the considered view that in the Reference Column, there is a mention of W.P(MD)Nos.9819 and 13656 of 2015, dated 9.8.2017 and as such, comes to a resultant conclusion that *prima facie*, filing of the present Writ Petition cannot be by no stretch of imagination said to be one not maintainable in the eye of Law.

12.Ordinarily, based on the inter departmental order inter se communicated from one Department to another Department, will not provide a right to file a Writ Petition seeking necessary relief thereto. However, in the instant case, the Petitioner has projected the present Writ Petition (even though based on the internal communication of one Officer to another Officer), this Court reiterates that the Writ Petition filed by the Petitioner is *per se* maintainable in Law, because of the reason that there is a reference to the order in W.P(MD)Nos.9819 and 13656 of 2015, dated 09.08.2017.

13.In view of the aforesaid internal communication of the District Forest Officer(Additional Charge), Thoothukudi addressed to the Superintending Engineer, TANGEDCO, Tamil Nadu Electricity Board, Thoothukudi, dated 11.10.2017, whereby and where-under, it was informed that the unlicenced Match Factories and Saw Mills functioning are to be banned by way of cutting their electricity supply. As such, this Court to prevent aberration of justice and to promote substantial cause of justice, directs the Respondents 2 and 3 to scrupulously adhere to the internal communication, dated 11.10.2017 of the District Forest Officer(Additional Charge), Thoothukudi addressed to the Superintending Engineer, TANGEDCO, Tamil Nadu Electricity Board, Thoothukudi, within a period of two weeks from the date of receipt of a copy of this order in true letter and spirit and to take such action, as they deem it fit and proper based on the facts and circumstances which



14. With the above said observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

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/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary/Chairman and Managing Director,
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No.144, Anna Salai,
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2. The Superintending Engineer,
Tamil Nadu General and Distribution Corporation Limited,
(TANGEDCO),
Tuticorin.
3. The Executive Engineer,
Tamil Nadu General and Distribution Corporation Limited,
(TANGEDCO),
Kovilpatti,
Tuticorin District.

+1cc to Mr.S.M.S.Johnny Basha, Advocate Sr.No.87506

+1cc to Mr.A.S.Vaigunth, Advocate Sr.No.87498

VSN

VB/SKN/RSK/SAR1/17/11/2017/5P/6C

ORDER MADE IN
W.P. (MD) No.19878 Of 2017
15.11.2017