

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10568 of 2018

S.M.Devaraj

.. Petitioner

-VS-

1.The Member Secretary,
State Level Committee,
(Wood Based Industries),
Government of Tamil Nadu.

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

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

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 and 2 to review the order passed by the District Forest Officer dated 12.09.2017 in Na.Ka.1220/2017 in respect of renewal of licence of petitioner's Lala Lajapathi Saw Mill situated at 19B, Sudhandhira Veedhi, Palamanier Road, Gudiyatham.

For petitioner

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Mr.D.Rajagopal

For Respondents

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Mr.R.Balaramesh,
Special Government Pleader

ORDER

The petitioner seeks a direction to respondents 1 and 2 to review the order passed by the District Forest Officer dated 12.09.2017 in Na.Ka.1220/2017 in respect of renewal of licence of his Saw Mill situated at 19B, Sudhandhira Veedhi, Palamanier Road, Gudiyatham.

2.The case of the petitioner is that he has been running a saw mill in the name of M/s.Lala Lajapathi Saw Mill situated at 19B, Sudhandhira Veedhi, Palamanier Road, Gudiyatham since 1985 as small industry bearing Registration No.1801056 dated 28.02.1985 under G.O. Ms. No.355 E and Tamil Nadu Forest Act 1982 for more than three decades. While so, a proceeding has been passed by the Forest Department stating that the persons who are running a Saw Mill has to register the same before the Tamil Nadu Forest Department and the Saw Mill Holder has to pay the licence fee of Rs.5,000/-. The petitioner has renewed his licence on 01.04.2009 and 01.04.2010 and the District Forest Officer, Vellore Division gave a certificate on 01.04.2010 stating that the Saw Mill licence has been renewed. Subsequently on 24.01.2013 the petitioner has paid Rs.5,000/- for the renewal of Saw Mill for the years 2011 to 2015 before the Forest Range Officer, Gudiyathrm and obtained a challan on 20.01.2013 and on receipt of the same, the third respondent did not come forward to renew the licence. Without passing any order, all of a sudden, the Forest Department Officials came to his

Saw Mill and sealed the same when his application is pending before them. Aggrieved over the same, he has filed a Writ Petition in W.P. No.3999 of 2017 seeking mandamus. This Court, by order dated 18.03.2017 granted liberty to the petitioner to make an application before the department seeking renewal of licence under Tamil Nadu Regulation of Wood based Industrial Rules 2010 within a period of one week and directed the department to consider the said application on merits and in accordance with law, on receipt of the same. Thereafter, the petitioner filed an Application for renewal within the stipulated time. Finding no response, he has filed a Contempt Petition before this Court. Although the District Forest Officer renewed number of licences for various other Saw Mills, it has not chosen to renew the petitioner's licence. Therefore, he filed a Writ Petition in W.P. No.2667 of 2017 before this Court and the same was dismissed on the ground that the petitioner was having alternate remedy before the Appellate Authority. Pursuant to filing of an Appeal, the Appellate Authority passed an order observing that the case is referred back to State Level Committee Wood based Industry for the review of the decision in view of the amendment in WBI guidelines 2017. After the order passed by the Appellate Authority, the District Forest Officer has not placed any material before the State Level Committee to review the order passed by the District Forest Officer. Aggrieved by the same, he is before this Court seeking the above prayer.

T.RAJA, J.

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3.Learned Special Government Pleader appearing for the respondents sought time to consider the pending matter.

4.Therefore, this Court directs the respondents to consider the pending case of the petitioner within a period of four weeks from the date of receipt of a copy of this order. Accordingly, this writ petition is disposed of. No costs.

Speaking/Non speaking order

26.04.2018

Index : yes/no
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To

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