

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.19670 & 19671 of 2018 and
W.M.P.Nos.23099 & 23100 of 2018

A.Ganesan .. Petitioner in W.P.No.19670/2018
A.Bakthavatchalam .. Petitioner in W.P.No.19671/2018

Vs.

- 1.The State of Tamil Nadu
rep by the Secretary to Government
Department of Forests,
Fort St.George, Chennai - 9.
- 2.The Principal Chief Conservator of Forests,
Panagal Building, Jones Roan,
Saidapet, Chennai - 15.
- 3.The District Forest Officer,
Vellore,
Vellore District - 4. .. Respondents in both W.Ps

W.P.No.19670 of 2018 under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 3rd respondent to grant license to run the Saw Mill by name Sri Lakshmi Saw Mill at the boundary of Old Mangadu Village, Arcot to Kaniyanur Road, Arcot Taluk, Vellore District in a dry land having an extent of 40 cent comprised in Survey No.386/8 having Patta No.1264.

W.P.No.19671 of 2018 under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 2nd respondent to issue necessary instruction to the 3rd respondent to renew the licence for Vigneswara Saw Mill in Licence No.0115/2011/VLR dated 09.06.2011 situated at Door No.304/23, Bharhi Nahar, Arcot to Kannamangalam Road, Thazhanur Village, Walaja Taluk, Vellore District.

For Petitioner : Mr.S.Arun Kumar
(in both W.Ps)

For Respondents : Mr.R.Bala Ramesh
(in both W.Ps) Special Government Pleader

C O M M O N O R D E R

The Writ Petition in W.P.No.19670 of 2018 has been filed by the petitioner seeking for a direction to the 3rd respondent to grant license to run the Saw Mill by name Sri Lakshmi Saw Mill at the boundary of Old Mangadu Village, Arcot to Kaniyanur Road, Arcot Taluk, Vellore District in a dry land having an extent of 40 cent comprised in Survey No.386/8 having Patta No.1264.

2.The Writ Petition in W.P.No.19671 of 2018 has been filed seeking a direction to the 2nd respondent to issue necessary instruction to the 3rd respondent to renew the licence for Vigneswara Saw Mill in Licence No.0115/2011/VLR dated 09.06.2011 situated at Door No.304/23, Bharhi Nahar, Arcot to Kannamangalam Road, Thazhanur Village, Walaja Taluk, Vellore District.

3.The learned counsel for the petitioners submitted that although the 3rd respondent had rejected the request of the petitioner (W.P.No.19670 of 2018) for grant of licence to run the Saw Mill on 30.10.2017 stating that the proposed Saw Mill is situated within 10 km from the Vannivedu Forest Range, there is no forest at Vannivedu. Moreover, the nearest forest is situated at Balamathi Village, Vellore Taluk, Vellore District. In addition thereto, there are about 50 Saw Mills around the said Vannivedu Village at various places. Therefore, the petitioner had given a representation on 11.01.2016 on the ground that the respondent cannot discriminate the petitioner alone.

4.The learned counsel for the petitioners submitted that the request of the petitioner (W.P.No.19671 of 2018) for renewal of licence dated 09.06.2011 was rejected by order dated 14.10.2017 stating that the Saw Mill of the petitioner is situated within 10 km from the Pungalur Forest Range.

5.When already the request of the petitioners were rejected vide orders dated 30.10.2017 and 14.10.2017, as rightly submitted by the learned counsel for the respondents, the petitioners cannot come to this Court seeking for a direction to the respondents without questioning the correctness of the orders dated 30.10.2017 and 14.10.2017.

6.If the petitioners are aggrieved by the impugned orders, they are at liberty to challenge the same before the 2nd respondent viz., the Principal Chief Conservator of Forests.

7.The learned Special Government Pleader appearing for the respondents submitted that the appeal should be filed within a period of 60 days from the date of the impugned order.

8.In view of the above, the Writ Petitions fail and the same are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar
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To

- 1.The Secretary to Government,
State of Tamil Nadu,
Department of Forests,
Fort St.George, Chennai - 9.
 - 2.The Principal Chief Conservator of Forests,
Panagal Building, Jones Roan,
Saidapet, Chennai - 15.
 - 3.The District Forest Officer,
Vellore, Vellore District - 4.
- +1cc to the Government Pleader Sr.52527, 52526
+1cc to M/S.S.Arunkumar, Advocate Sr.52926
+1cc to Mr.S.Arunkumar, Advocate Sr.52927

सत्यमेव जयते
W.P.Nos.19670 & 19671 of 2018 and
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