

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.08.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NOS.18966 AND 19016 OF 2007
AND M.P.NO.1 OF 2007 (2 IN NOS.)

L.Ramalingam

... Petitioner in
W.P.No.18966 of 2007

R.Perumal

... Petitioner in
W.P.No.19016 of 2007

vs.

The Government of Puducherry
Department of Forests and Wildlife,
Mullaigam, Forest Campus,
Cuddalore Main Road,
Puducherry - 605 004

... Respondent in both
the writ petitions

Writ Petitions filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the respondent in Proc Nos.5/F&WL/AO-1/2007-08/289 and 288 dated 18.04.2007 and quash the same as illegal, incompetent and without jurisdiction and further direct the respondent not to interfere with the running of the saw mill by the writ petitioner.

For Petitioners : Ms.V.Srimathi

For respondent : Ms.N.Mala

Addl.Government Pleader

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COMMON ORDER

The petitioners have filed the writ petitions praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the respondent in Proc Nos.5/F&WL/AO-1/2007-08/289 and 288 dated 18.04.2007 and quash the same as illegal, incompetent and without jurisdiction and further direct the respondent not to interfere with the running of the saw mill by the writ petitioner.

2. Since the prayer sought for in both the writ petitions is one and the same, they are disposed of by a Common Order.

3. The Petitioners, owners of Saw Mill, filed the above Writ Petitions, challenging the impugned Proceedings in Proc Nos.5/F&WL/AO-1/2007-08/289 and 288 dated 18.04.2007, wherein, they were directed to obtain license from the Forest Department for running Saw Mill as per the direction of the Apex Court and G.O.No.7/Agri.Dt.02.05.2003 of the Chief Secretariat (Agri.)

4. The learned counsel for the petitioners would submit that the Petitioners were running the Saw Mill prior to 2003 after getting permission from the State Government. However, the Apex Court issued direction only in the year 2003 and only thereafter, it is required to obtain license from the Forest Department. However, the State Level Committee, issuing the license, was not constituted, enabling the petitioners to file an application for getting license.

5. The learned counsel for the petitioners would further submit that while admitting the Writ Petitions, this Court granted Interim Stay and by virtue of Interim Stay, the petitioners are running the Saw Mill. Hence liberty may be granted to the petitioners to file application before the State Level Committee.

6. Ms.N. Mala, learned Additional Government Pleader (Pondicherry) appearing for the respondent would submit that the Government of Puducherry so far has not constituted the State Level Committee. The Government has taken steps to constitute such committee as early as possible. After formation of the Committee the request of issuing license or renewal will be considered in accordance with the procedure established by The Wood Based Industries (Establishment and Regulation) Guidelines, 2016 and as prevailing Environment laws, regulations and as per the directions of the Supreme Court. Only after obtaining proper Application for license the petitioner Company can run the Saw Mill.

7. In view of the above submission, this Court grants liberty to the petitioners to file appropriate application before the respondent within a period of two weeks from the date of receipt of a copy of this order and after constitution of the Committee, the respondent shall forward the application of the petitioners to the Committee and thereafter, the Committee is directed to take appropriate decision in accordance with law within six months thereafter.

8. It is made clear that the Interim Stay already granted is to continue till the disposal of the application, to be filed by the petitioners, before the State Level Committee to be constituted.

9. With the above observations, both the writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sr

To

The Government of Puducherry
Department of Forests and Wildlife,
Mullaigam, Forest Campus,
Cuddalore Main Road,
Puducherry - 605 004

+1cc to Ms.V.Srimathi, Advocate, S.R.No.71799

+1cc to the Government Pleader, S.R.No.71927

W.P.Nos.18966 and 19016 of 2007

NRJK(CO)
CS/09/10/2019

सत्यमेव जयते

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