

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.19406 to 19408 of 2009

M/s.Surya Vijai Saw Mill,
Rep. By its Proprietor D.Dineshkumar,
18A, Menkarai Road,
Zamin Uthukkuli,
Pollachi,
Coimbatore District.Petitioner in W.P.No.19406/09

M/s.Krishnammal Wood Industires,
Rep. By its Proprietor K.Selvaraj,
67/9, Marapettai Street,
Pollachi,
Coimbatore District.Petitioner in W.P.No.19407/09

M/s.Kailash Wood Industries,
Rep. By its Proprietor K.Narshilal,
245, Kottur Road,
Pollachi,
Coimbatore District.Petitioner in W.P.No.19408/09

Vs.

1.The Junior Engineer (Electrical),
Udumalpet Electricity Distribution Circle,
Tamilnadu Electricity Board,
Zamin Uthukkuli-642 004.1st Respondent in WP.19406/09

1.The Junior Engineer (Electrical)
Mahalingapuram /South Office
Tamilnadu Electricity Board,
Pollachi -642 001.1st Respondent in WP.19407 & 19408/09

2.The Conservator of Forest and
Field Director,
Pollachi,
Coimbatore District.

3. The Member Secretary,
Central Empowered Committee,
Room No.106, Paryavaran Bhavan,
CGO Complex, Lodi Road, New Delhi.

..2nd & 3rd Respondents in all WPs

[R3-Impleaded as per order dated 23.12.2010
made in MP.4/10]

Prayer in W.P.No.19406 of 2009: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the entire records of the first respondent in Ka.No.JE Elect./V/Z.Uthukkuli/V 109/09 and quash the proceedings passed therein dated 07.09.2009.

Prayer in W.P.No.19407 of 2009: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the entire records of the first respondent in Ka.No.JE Elect./V/M.Puram/E./V 94/09 and quash the proceedings passed therein dated 07.09.2009.

Prayer in W.P.No.19408 of 2009: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the entire records of the first respondent in Ka.No.JE Elect./V/South/Pollachi/V 052/09 and quash the proceedings passed therein dated 07.09.2009.

For Petitioner : Mr.Amar D. Pandiya
(in all Wps)

For Respondents: Mr.S.K.Rameshwar for R1
(in all Wps) Mr.G.B.Rajesh, (Forest) G.A., for R2

COMMON ORDER

The petitioner has approached this Court, seeking the following reliefs:-

"In W.P.No.19406 of 2009, praying to issue a writ of Certiorari, to call for the entire records of the first respondent in Ka.No.JE Elect./V/Z.Uthukkuli/V 109/09 and quash the proceedings passed therein dated 07.09.2009.

2.In W.P.No.19407 of 2009, praying to issue a writ of Certiorari, to call for the entire records of the first respondent in Ka.No.JE Elect./V/M.Puram/E./V 94/09 and quash the proceedings passed therein dated 07.09.2009 and

3.In W.P.No.19408 of 2009, praying to issue a writ of Certiorari, to call for the entire records of the first respondent in Ka.No.JE Elect./V/South/Pollachi/V 052/09 and quash the proceedings passed therein dated 07.09.2009."

2.The petitioners are running saw mills in the name and style of 'Surya Vijai Saw Mill', 'Kailash Wood Industries' and 'Krishnammal Wood Industries' respectively and are registered with the Department of Industries and Commerce and Forest Department and necessary clearance was obtained from the local Panchayat and licence fees and tax were paid as on date. The mills were not situated in any prohibited area or nearer to any forest. While so, the second respondent and his officials informed the petitioners that one Public Interest Litigation was filed before the Hon'ble Supreme Court under the Forest Conservation Act, 1980 and the Hon'ble Apex Court issued certain directions in W.P.No.(C) No.202 of 1995 and as per the said directions, the petitioner-Mills started after 29.10.2002, have to get licence from the Central Empowered Committee. The said directions were issued to regulate the functioning of the Saw Mill in the State. However, the second respondent and its other officials issued several circulars and letters throughout the State to all the Saw Mills and asked them to get licence from the said Committee, otherwise, they would face the closure of the Mills.

3. While so, without issuing any show cause notice and hearing the petitioners, the second respondent issued closure order straightaway. As against the closure order, the petitioners and other similarly placed persons filed several writ petitions and in one writ petition W.P.No.22856 of 2007, this Court allowed the writ petition by order dated 27.07.2007 on the ground that the application for licence is pending before the said Committee. While that be so, without considering the above order passed by this Court, the second respondent issued the present show cause notices, against which, the present writ petitions have been filed.

4.The learned counsel for the petitioners would submit that though the first respondent issued show cause notices calling upon the petitioners to produce licence from the Central Empowered Committee, these writ petitions were dismissed for default and in view of the dismissal of the writ petitions, the service connections given to the petitioner-Mills were disconnected. Thereafter, the same were restored to file and subsequently, electricity connections were restored. He would further submit that during the pendency of the present writ petitions, the petitioners have also obtained licence from the Central Empowered Committee as per the direction of the Hon'ble

Supreme Court. Hence, this Court may permit the petitioners to produce necessary documents before the concerned Authority.

5.The learned counsel for the first respondent would submit that the impugned orders are only a show cause notices calling upon the petitioners to produce licence obtained from the Central Empowered Committee and other documents if any, issued by the competent authority.

6.In view of the above submissions, these writ petitions are disposed of with a direction the petitioners to produce necessary certificates and licence obtained from the Central Empowered Committee, before the first respondent and thereafter, the first respondent shall pass orders on merits and in accordance with law. No costs.

kal

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Junior Engineer (Electrical),
Udumalpet Electricity Distribution Circle,
Tamilnadu Electricity Board,
Zamin Uthukkuli-642 004.
- 2.The Junior Engineer (Electrical)
Mahalingapuram /South Office
Tamilnadu Electricity Board,
Pollachi -642 001.
3. The Conservator of Forest and Field Director,
Pollachi, Coimbatore District.
4. The Member Secretary,
Central Empowered Committee,
Room No.106, Paryavaran Bhavan,
CGO Complex, Lodi Road, New Delhi.

+3CCs to Mr. Advocate, SR.No.62560, 62561 & 62561
+1cc to the Govt.Pleader, Vide Sr.No.62944

W.P.Nos.19406 to 19408 of 2009

Kak(13/09/2019)