

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.08.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.11837 OF 2010
AND M.P.NO.1 OF 2010

S.Balu

... Petitioner

vs.

1. The Agricultural Officer (Forest),
Department of Forest & Wildlife, Karaikal,
 2. The Conservator of Forest,
Forest Department, Puducherry
 3. The Deputy Conservator of Forest
Forest Department, Puducherry
- ... Respondents

Writ Petition 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 first respondent in Proceeding No.30/AO(F)/F&WL/KKL/2010-11/105 dated 04.05.2010 and quash the same as illegal, incompetent and without jurisdiction and further direct the third respondent to grant license to the petitioner's saw mill on the basis of the application dated 14.05.2010 submitted through the 2nd respondent.

For Petitioners : Ms.V.Srimathi
For respondent : Ms.N.Mala
Addl.Government Pleader

COMMON ORDER

The petitioner has filed the writ petition praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the on the file of the first respondent in Proceeding No.30/AO(F)/F&WL/KKL/2010-11/105 dated 04.05.2010 and quash the same as illegal, incompetent and without jurisdiction and further direct the third respondent to grant license to the petitioner's saw mill on the basis of the application dated 14.05.2010 submitted through the 2nd respondent.

2. The Petitioner, owner of Saw Mill, filed the above

Writ Petition, challenging the impugned Proceedings in Proceeding No.30/AO(F)/F&WL/KKL/2010-11/105 dated 04.05.2010, wherein, the petitioner was directed to obtain license from the Forest Department for running Saw Mill.

3. The learned counsel for the petitioner would submit that the Petitioner was running the Saw Mill for the past twenty years 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.

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

5. Ms.N. Mala, learned Additional Government Pleader (Pondicherry) appearing for the respondents 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 Hon'ble Supreme Court. Only after obtaining proper Application for license, the petitioner Company can run the Saw Mill.

6. In view of the above submission, this Court grants liberty to the petitioner 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 petitioner to the Committee and the thereafter, the Committee is directed to take appropriate decision in accordance with law within six months thereafter.

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

8. With the above observations, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sr

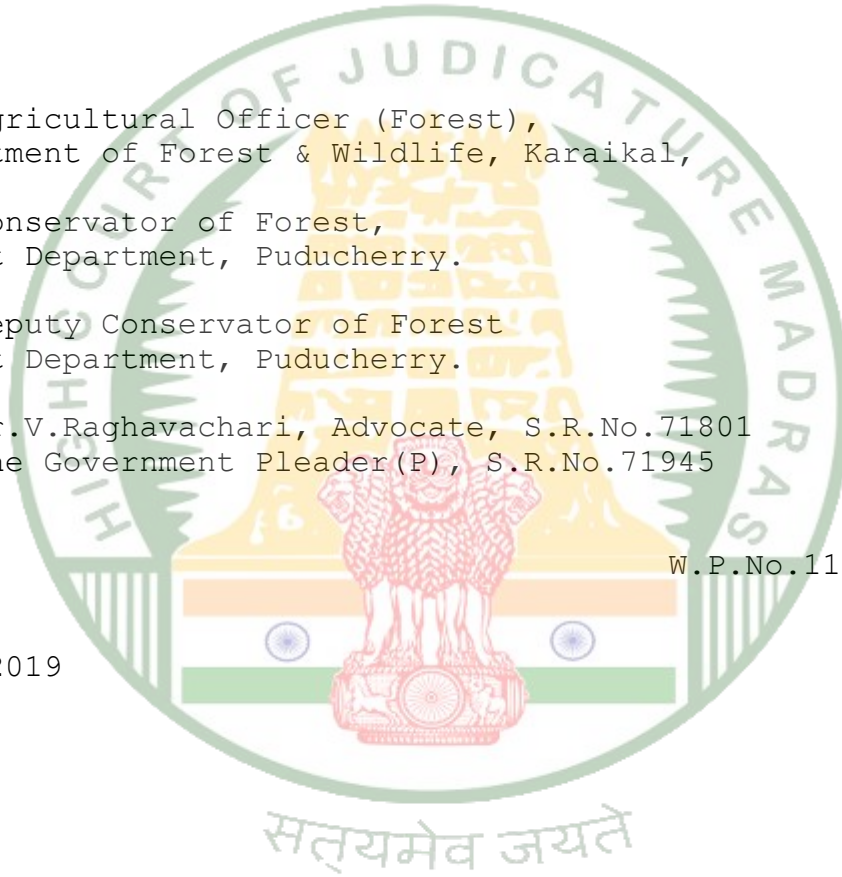
To

1. The Agricultural Officer (Forest),
Department of Forest & Wildlife, Karaikal,
2. The Conservator of Forest,
Forest Department, Puducherry.
3. The Deputy Conservator of Forest
Forest Department, Puducherry.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.71801
+1cc to the Government Pleader(P), S.R.No.71945

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MP (CO)
CS/03/10/2019



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