

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6800 of 2008
and
M.P.Nos.2 and 3 of 2008

M/s.Aiswarya Exports,
Represented by
R.Selvaraj, Proprietor,
No.187, SIDCO Industrial Estate,
Ambattur,
Chennai - 600 098.

...Petitioner

Versus

- 1.Principal Chief Conservator of Forests,
Panagal Buildings,
Saidapet,
Chennai - 600 015.
- 2.District Forest Officer,
Sathyamangalam Division,
Sathyamangalam - 2.
3. Tahsildar,
Ambattur,
Chennai - 600 098.
- 4.Revenue Inspector,
Ambattur,
Chennai - 600 098.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records on the file of the 3rd respondent in Proc.Na.Ka.11060/2004 A 4, dated 19.02.2007 and quash the entire proceedings.

For Petitioner : Mr.T.Sai Krishnan

For Respondents : Mr.G.B.Rajesh
Government Advocate

O R D E R

This writ petition has been filed seeking to quash the entire proceedings passed by the 3rd respondent in Proc.Na.Ka.11060/2004 A 4 dated 19.02.2007.

2.The petitioner had purchased 45 M.T. Of Sandal sap of wood for Rs.11,91,150/- in the public auction held at Government sandalwood depot at Sathyamangalam on 26.07.1997. The petitioner had paid Rs.3,00,000/- towards 25% of the sale amount and the balance 75% of the amount has not been paid within the stipulated time. Hence, the District Forest Officer forfeited the said amount by an order dated 16.07.1998 for non-payment of the balance amount within the time. Thereafter, the District Forest Officer, Sathyamangalam, conducted a resale of the Sandalwood sap on 25.02.2000, wherein the Government suffered a loss of Rs.9,43,450/-. Therefore, the District Forest Officer, Sathyamangalam passed an order on 12.08.2000, directing the detention of goods purchased by Chennai Essential Oil and Aromatics in the sale conducted during April 1999 to compensate the alleged loss sustained on account of resale of goods purchased by the petitioner herein. Challenging the said order the petitioner has filed a writ petition in W.P.No.18639 of 2000 and this Court by an order dated 12.09.2003 quashed a portion of the order of the District Forest Officer, Sathyamangalam directing the detention of 2 M.T. Of Milvachita purchased by Chennai Essential Oil and Aromatics and observed that it was open to the Forest Department to recover the alleged loss, if any from the petitioner. Thereafter, the 5th respondent issued an order dated 19.02.2007 stating that a sum of Rs.9,43,450/- and another sum of Rs.53,64,600/- is due to the Government from the petitioner and initiated action as against the property of one M/s.Divyalakshmi Enterprises, who is in possession of the Shed No.265, SIDCO Industrial Estate, Ambattur, Chennai, belongs to the petitioner. Challenging the said order the petitioner has filed the present petition with the aforesaid prayer.

3.Heard both sides.

4.The learned Government Advocate appearing for the respondent submitted that the petitioner has remitted Rs.9.43.270/- towards the loss sustained by the government and he also produced a letter vide C.No.L/8517/97 dated 06.03.2019 by the Tamil Nadu Forest Department acknowledging the same.

5. Recording the submission made by the learned Government Advocate, this Writ Petition stands closed. No costs. Consequently, connected miscellaneous petition is also closed.

rm

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal Chief Conservator of Forests,
Panagal Buildings,
Saidapet, Chennai - 600 015.
- 2.The District Forest Officer,
Sathyamangalam Division,
Sathyamangalam - 2.
- 3.The Tahsildar,
Ambattur,
Chennai - 600 098.
- 4.The Revenue Inspector,
Ambattur,
Chennai - 600 098.

+1cc to Mr.T.Saikrishnan, Advocate, SR.No.63233

W.P.No.6800 of 2008

Kak(28/09/2019)

सत्यमेव जयते

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