



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.08.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.13437 of 2019
& W.M.P.No.13548 of 2019

S.K.Devaraj,
S/o.Munusamy Mudaliar,
No.19B, Sudhandhira Veedhi,
Palamanier Road,
Gudiyatham,
Vellore District, Vellore. ... Petitioner

/verus/

1. The Member Secretary,
State Level Committee,
(Wood Based Industries),
Government of Tamil Nadu,
Panagal Building,
Saidapet, Chennai - 600 015.
2. The Principal Chief Conservator of Forest,
(Head of Forest Force),
Panagal Building,
Saidapet, Chennai - 600 015.
3. The Regional Office of the Central Government,
Ministry of Environment,
Regional Office,
I and II Floors,
No.34, Cathedral Garden Road,
Nungambakkam, Chennai - 600 034.
4. The District Forest Officer,
Vellore Region, Vellore.
5. The Forest Ranger,
Gudiyatham Circle,
Gudiyatham,
Vellore District, Vellore. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, to call for the entire records in respect of the communication

sent by the 2nd respondent in WR4/30188/2018, dated 30.08.2018 and quash the same and consequently direct the respondent to renew the License for petitioner's Sawmill namely Lala Lajapathi Sawmill situated at 19B, Sudhandhira Veedhi, Palamanier Road, Gudiyatham and pass orders.

For Petitioner : Mr.D.Rajagopal

For R1, R2, R4 & R5 : Mr.Thangavadhana Balakrishnan
Additional Government Advocate

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Additional Government Advocate for the Respondents. Perused the affidavit and the counter filed by the respondents.

2. The case of the petitioner is that he was running a Saw Mill in the name of M/s.Lala Lajapathi Saw Mill, Gudiyatham since 1985. The District Forest Officer, Vellore, has issued license to run the Saw mill. Till in the year 2010, the License of the petitioner was periodically renewed. However, in view of the hike in the License fee, the petitioner application for renewal with License fee belatedly on 24.01.2013 which was kept pending and no formal renewal order was issued. As a consequence, on 09.12.2016, the Sawmill of the petitioner's was sealed. The petitioner herein has filed the Writ Petition before this Court seeking Mandamus in which this Court in W.P.No.3999 of 2017 vide order dated 18.03.2017 has passed the following order:-

"(i). It is open to the petitioner to make an application seeking renewal of licence under Tamil Nadu Regulation of Wood Based Industrial Rules, 2010 within a period of one week from the date of receipt of copy of the order.

(ii). On receipt of such application from the petitioner the Department is directed to consider the same on merits in accordance with law as expeditiously as possible preferably within a period of 8 weeks."

3. The petitioner herein submitted his application for renewal and waited for eight weeks. However, the respondents did not pass any order, as per the direction of this Court. Hence, Contempt Petition was filed by the petitioner. The

respondents appeared before this Court and has circulated the communication of the Principal Chief Conservator of Forest, Chennai, which reads as under:

"The Chief Conservator of Forests, Vellore in his Lr.No.7008/2016/L, Dt:01.02.2018 has sent the regional level committee report wherein he has recommended the application of Thiru.S.M.Devaraj, S/o.Munusamy Mudaliar, Lala Lajapathi Saw Mill situated at 19B, Sudhandhira Veedhi, Palamanier Road, Gudiyatham in "Sl No.51 in appeal case for fresh license only" that the actual distance from nearest R.F was found to be 0.87 Kms. But the saw mill falls under Municipal limit. So as per the revised guidelines recommended.

Based on the report received from the regional level committee the above case was put up before the State Level Committee meeting held on 08.02.2018 and decision taken by the committee as "Deferred for considering after receipt of Government direction on amendment". Hence this case will be put up before the State Level Committee in its next meeting."

4. Recording the same, the contempt petition was closed.

5. However, till date, the respondents have not taken any decision on the application of the petitioner, which has forced him to file the present Writ Petition.

6. The Learned Counsel appearing for the Respondents would submit that the petitioner's licence expired during the year 2010. Renewal of Licence ought to have been made three months prior to the expiry. The petitioner did not apply for renewal, within the time prescribed, only in the year 2013, he remitted the requisite fee and sought for renewal of licence. Since, the petitioner licence has already been expired, his application can be considered only afresh. Since the state has taken policy decision to amend the Rules and proposal is in pipeline, the application of the petitioner could not be taken up for consideration.

7. It is contended by the respondents that the petitioner's proposed Sawmill is within 2 Kms from the Reserved Forest area. Hence, it requires clearance of the Forest Department and the Municipal Authorities. However, the Learned

Counsel for the petitioner would submit that some of Sawmills adjacent to the petitioner's Sawmill were granted Licence and they are functioning. The Photographs and the Licence issued by District Forest Officer, Vellore Region, for those Sawmills are enclosed along with the typed set of papers, which nullifies the contention of the respondents regarding the location.

8. In any event, it is clear from the records that the petitioner had Sawmill License since 1985 and the Sawmill was sealed by the respondents only in the year 2016. On the date of sealing his Sawmill, the application of the petitioner was pending consideration. Already more than 1½ years had lapsed since the respondents informed the Court in the contempt petition that application is under consideration. The petitioner cannot be deprived of his livelihood in anticipation of Regulations and amendment to the Regulations contemplated by the respondents. Therefore, the 1st respondent hereby directed to issue Temporary Saw mill license to the petitioner subject to Rules and Regulation in force and also with an undertaking from the petitioner that he will abide by any amendment to be carried out in the Tamil Nadu Regulation Wood Based Industries Rule 2010, within a period of four weeks, from the date of receipt of a copy of this order.

9. Accordingly, the Writ Petition is disposed of. No costs. Consequently, Connected Miscellaneous Petition is closed.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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To,

1. The Member Secretary, सत्यमेव जयते
State Level Committee,
(Wood Based Industries),
Government of Tamil Nadu,
Panagl Building,
Saidapet, Chennai - 600 015.

2. The Principal Chief Conservator of Forest,
(Head of Forest Force),
Panagal Building,
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3. The Regional Office of the Central Government,
Ministry of Environment,
Regional Office,
I and II Floors, No.34, Cathedral Garden Road,
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4. The District Forest Officer,
Vellore Region, Vellore.

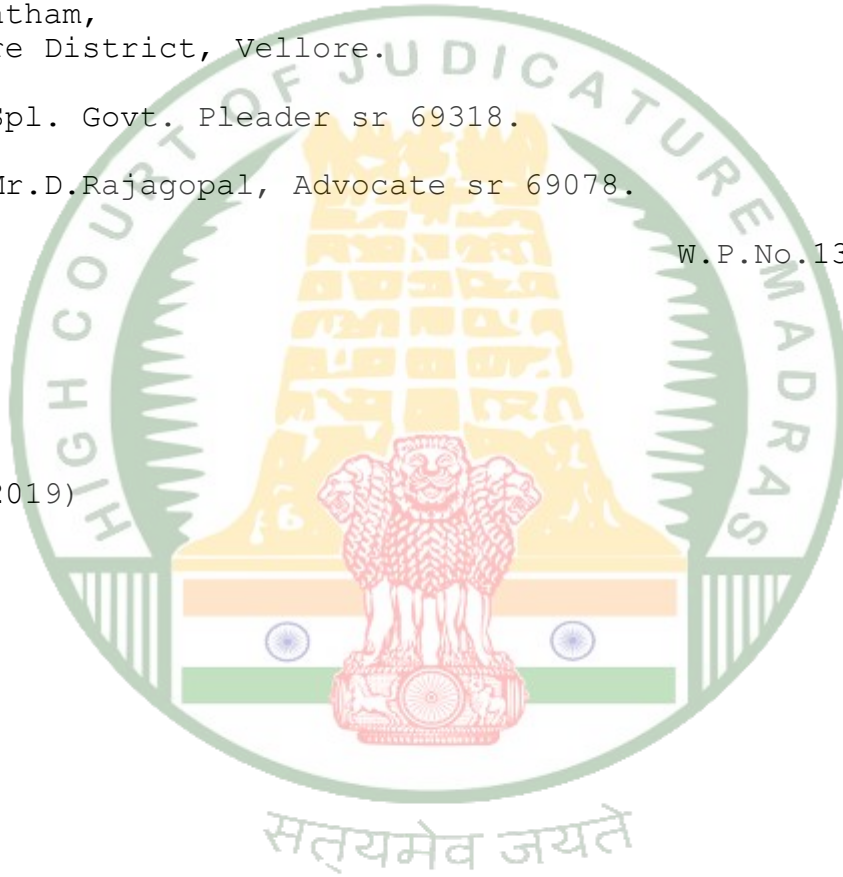
5. The Forest Ranger,
Gudiyatham Circle,
Gudiyatham,
Vellore District, Vellore.

+1 CC to Spl. Govt. Pleader sr 69318.

+1 CC to Mr.D.Rajagopal, Advocate sr 69078.

W.P.No.13437 of 2019

SVI (CO)
SP(17/09/2019)



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