

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2019

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.34844 of 2018
and W.M.P.No.40394 of 2018

D.Palani

... Petitioner

Versus

- 1.The State of Tamil Nadu,
Rep.by the Secretary to Government,
Department of Forests,
Fort St.George,
Chennai-9.
- 2.The Principal Chief Conservator of Forests ,
Panagal Building,
Jones Road,
Saidapet, Chennai-15.
- 3.The District Forest Office,
Vellore,
Vellore District.
- 4.The Additional Principal Chief Conservator of Forest,
Government of India, Ministry of Environment
Forest and Climate Changes
Regional Office, (SEZ) 1st and 2nd Floor, Handloom Export
Promotion Council,
34, Cathedral Garden Road,
Nungambakkam,
Chennai-34.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus directing the third respondent to effect name transfer of the said Thirumal Saw Mill situate at Door No.45/D, LF Road (Local Fund Road), Karai-632 404, Ranipet, Vellore District, comprised in survey No.TS.No.92, situate in Ward A, Block 5, Karai-632 404, Ranipet, Vellore District from the name of petitioner's father late K.P.Dharmalingam into the petitioner's name and renew the Saw Mill license from 01.01.2016.

For Petitioner : Mr.S.Arunkumar

For Respondents :Mrs.Thangavathana Balakrishnan
Addl.Government Pleader

O R D E R

The case of the writ petitioner herein is that his father K.P.Dharmalingam was running a Saw Mill in the name and style of Thirumal Saw Mill, situated at Door No.45/D, LF Road (Local Fund Road), Karai, Ranipet, Vellore District. Due to his old age, in the year 2012, he made a request to the District Forest Officer to transfer the license in favour of his son Mr.D.Palani, who is the writ petitioner herein. Unfortunately, before his request for the name transfer to be considered Mr.Dharmalingam passed away. Thereafter, the petitioner herein has made an application to the respondent for name transfer. But, the same could not be processed due to certain defects in his application. Hence, he has approached this Court seeking mandamus to effect the name transfer.

2. The third respondent has filed a counter, wherein the factum of license issued in the name of K.P.Dharmalingam and his request for name transfer during his life time is accepted. It is contended in the counter affidavit that though K.P.Dharmalingam made a request for the name transfer in favour of his son Palani the petitioner herein, he died on 23.07.2014 before his application could be properly processed. Further, his application for name transfer itself was not in the prescribed format and therefore the same was informed to Dharmalingam to submit his name transfer application in the proper format, which was not filed by him. It is also stated in the counter affidavit that if the writ petitioner submits his application along with death certificate of his father and the legal heir certificate with the consent of the other legal heirs for name transfer, same will be taken up for consideration.

3. In the light of the above submissions, the writ petitioner herein is directed to submit his application with all required documents for the name transfer and on such application, the third respondent shall process the same and pass appropriate orders within a period of four weeks from the date of receipt of the application.

4. With the above directions, the writ petition is allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
State of Tamil Nadu,
Department of Forests,
Fort St.George, Chennai-9.
- 2.The Principal Chief Conservator of Forests ,
Panagal Building,
Jones Road,
Saidapet, Chennai-15.
- 3.The District Forest Office,
Vellore,
Vellore District-4
- 4.The Additional Principal Chief Conservator of Forest,
Government of India, Ministry of Environment
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Regional Office, (SEZ) 1st and 2nd Floor, Handloom Export
Promotion Council,
34, Cathedral Garden Road,
Nungambakkam,
Chennai-34.

+1cc to Mr.S.Arunkumar, Advocate sr.48504
+1cc to Special Pleader(Forest) sr.47654

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skv(co)
nr 15/07/2019