



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.851 of 2019

and

W.M.P(MD) .No.679 of 2019

B.Dinesh Patel

... Petitioner

Vs

1. The District Forest Officer,
Tiruchirappalli Division,
Tiruchirappalli District.

2. Jegadesh D.Patel

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent in his proceedings in C.No.7542/2017 L dated 22.11.2018 and quash the same as illegal and consequently direct the first respondent to transfer the license in license No.78/2016 for the existing sawmill namely M/s.Kesav Saw Mill, located at 122/3, Chennai Bye Pass Road, Ariyamangalam, Tiruchirappalli-620 010 in the name of the petitioner without insisting the original license No.78/2016 as per the Rule 6 of the Tamil Nadu Regulation of wood based industries Rules 2010 within a stipulated period fixed by this Court.

For Petitioner	: Mr.J.Jeyakumaran
For R1	: Mr.K.Mu.Muthu
	Additional Government Pleader
For R2	: No appearance

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the first respondent. Even though the second respondent has been served and his name is printed in the cause list, he has not chosen to enter his appearance either in person or through counsel.

2. The writ petitioner purchased a saw mill belonging to the second respondent at a public auction. The second respondent had availed loan from the State Bank of India. He committed default. Therefore, the State Bank of India took recourse to The Securitisation And Reconstruction Of Financial Assests And Enforcement Of Security Interest Act, 2002 (SARFAESI) proceedings and brought the property to auction. The writ petitioner was the highest bidder and sale deed has been executed in his name.

3. Now, the petitioner wants to run the Sawmill. The petitioner submitted an application to the first respondent. The first



respondent citing the opposition of the second respondent rejected the petitioner's request. The said order is under challenge in this writ petition.

4. As rightly contended by the learned counsel appearing for the writ petitioner, as per Rule 6 of Tamil Nadu Regulation of Wood Based Industries Rules, 2010, though the license shall normally be non-transferable, it can be allowed from one person to another by the Conservator of Forests or Field Director, as the case may be, in cases of sale, inheritance, division of property, family arrangement and dissolution of partnership, subject to the guidelines issued by the Principal Chief Conservator of Forests from time to time.

5. Thus, when there is conveyance and transfer of title from one party to another, transfer is permissible. In this case, the title has passed from the second respondent to the writ petitioner. Though it is not a case for voluntary sale, it is the case of involuntarily sale. Therefore, I am of the view that the second respondent is not having the *locus standi* to oppose the transfer of license in favour of the writ petitioner.

6. In this view of the matter, the order impugned in this writ petition stands quashed. It has been mentioned in the counter affidavit that it is only the State Level Committee that is competent to pass orders in this regard. Therefore, the first respondent is directed to forward the writ petitioner's application seeking transfer of license from second respondent himself before the competent Committee. The Committee shall consider the case of the writ petitioner and pass order in accordance with law within a period of eight weeks from the date of receipt.

7. The Writ Petition is allowed on these terms. No costs. Consequently, connected Miscellaneous Petition is closed.

sd/
Assistant Registrar(crl. side)

/True Copy/

Sub Assistant Registrar

To
The District Forest Officer,
Tiruchirappalli Division,
Tiruchirappalli District.

+1 CC to Mr.J.JEYAKUMARAN, Advocate (SR-62349[F] dated 24/04/2019)
+1 CC to SPL GP (SR-62428[F] dated 25/04/2019)

W.P.(MD) No.851 of 2019
24.04.2019