



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD)No.4280 of 2018

WEB COPY

M/s.Makwuds India (P) Ltd.,
Formerly known as Makwuds Packaging (P) Ltd.,
F8 SIPCOT Industrial Park,
Sriperumputhur - 602 105,
rep.by its Managing Director,
Sinjy Abdul Kharim.

... Petitioner

Vs.

1.State of Tamil Nadu rep.by its
Secretary to Government,
Environment and Forest Dept.,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Dindigul District,
Collectorate, Dindigul.

3.The District Forest Officer,
Kodaikanal Division,
Dindigul District.

4.The Tahsildar,
Sriperumpudhur Taluk,
Sriperumpudhur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondents 1 and 3 herein to consider the representation dated 31/01/2018 submitted by the petitioner company seeking to extend the Voidha Period for removing and Cutting the Trees as has been granted to M/S.Tamilnadu News Print Ltd through G.O.MS.No.128 dated 10/11/2008 by extending the same benefit to the petitioner or to grant exemption from paying the penalty by way of extending the benefit granted to M/s. West Coast Paper Mills Ltd., Dandeli, Karntaka through C.No.6309/05 L dated 17/08/2010 to the petitioner company namely M/s.Makwuds Packaging (P) Ltd.

For Petitioner	: Mr.S.P.Maharajan
For Respondents	: Mrs.J.Padmavathi Devi
	Special Government Pleader



ORDER

This writ petition has been filed seeking direction to the respondents to consider the petitioner's representation 31.01.2018 to extend the Voidha period for cutting and removing the trees.

2.The petitioner has entered into an agreement on 20.01.2005 with the third respondent/District Forest Officer, Kodaikanal Division, Kodaikanal for cutting and supplying trees to the factory for manufacturing packing cases. Since the petitioner could not complete the work within the time stipulated, ie., one year from the date of contract, the respondents imposed penalty on 04.05.2007 for non removal of wattle trees. It is the case of the petitioner that similarly placed persons filed writ petitions in W.P(MD)No.10714 of 2016 and W.P(MD)No.23512 of 2016 seeking to consider their representations for grant of extension of time and exemption from paying penalty. This Court, by orders dated 20.06.2016 and 02.12.2016 directed the respondents therein to consider the petitioners' representations. The petitioner, on the strength of the order passed in respect of similarly placed persons, seeks a direction from this Court to the third respondent to consider and pass orders on his representation dated 31.01.2018.

3.I have considered the submissions made on the side of the petitioner.

4.Admittedly, the contract was entered into on 20.01.2005 and penalty was imposed for non removal of wattle trees on 04.05.2007. The petitioner could have challenged the penalty proceedings and got exemption at the relevant point of time, ie., from 04.05.2007. Without approaching the Court within the reasonable time, now he is seeking the same relief under the guise of seeking an order to dispose of his representation. Such stale orders cannot be revived by a novel method of disposing of the representation. Therefore, this Court is of the considered opinion that such matters cannot be reopened by giving an innocuous direction to dispose of the representation.

5.The writ petition is dismissed accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Secretary to Government,
State of Tamil Nadu
Environment and Forest Dept.,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Dindigul District,
Collectorate, Dindigul.

3.The District Forest Officer,
Kodaikanal Division,
Dindigul District.

4.The Tahsildar,
Sriperumpudhur Taluk,
Sriperumpudhur.

+1 CC to MR.S.P.MAHARAJAN, Advocate (SR-85098[F] dated 04/09/2019)
+1 CC to SPL GP (SR-85305[F] dated 05/09/2019)

W.P. (MD) No.4280 of 2018
04.09.2019

MJ

MK (27.09.2019) 3P 7C