



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **21.10.2019**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P (MD)No.22234 of 2019

and

W.M.P. (MD)Nos.19004 and 19007 of 2019

T.Ramachandran

.. Petitioner

Vs.

- 1.The Central Empowered Committee,
II nd Floor, Chanakya Bhawan,
Chanakyapuri, New Delhi-21.
- 2.The Additional Chief Conservator of Forest (FC) and
Chairman of the State Level Committee,
No.1, Jeeni's Road, Panagal Building, Chennai.
- 3.The District Forest Officer,
Kanyakumari Division,
Vadasery, Nagercoi-629 001.
- 4.The District Collector,
Kanyakumari District, Nagercoil.
- 5.The Commissioner,
Rajakkamangalam Panchayat Union,
Pazhavilai, Kanyakumari District.
- 6.The Secretary,
Rajakkamangalam Village Panchayat,
Rajakkamangalam, Kanyakumari District.
- 7.The District Environment Engineer,
Tamil Nadu Pollution Control Board,
318/46A, Water Tank Road,Nagercoil.
- 8.The Deputy Director of Health Service,
Krishnankovil, Vadasery, Nagercoil.
- 9.The Executive Engineer,
Distribution, TANGEDCO, Parvathipuram, Nagercoil.



10.The Junior Engineer,
Distribution, TANGEDCO, Ethamozhy,
Kanyakumari District.

11.T.Perumal

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents 1 to 8 not to permit the 11th respondent from starting up any saw mill in R.S.No.1227/4, of Rajakkamangalam Village, Agasteeswaram Taluk, Kanyakumari District within Aadaravilai hamlet and further direct the 9th and 10th respondents not to provide with electricity connection to the proposed saw mill of the 11th respondent.

For Petitioner : Mr.C.T.Perumal
For R1 : Mr.V.Kathirvelu
Assistant Solicitor General
assisted by Mr.S.Sivakumar
For R2 to R4 : Mr.A.K.Baskara Pandian
Special Government Pleader
For R5 and R6 : Mr.M.Pandiyarajan
For R9 and R10 : Mr.G.Kasinathadurai

ORDER

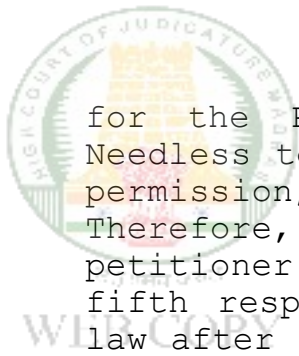
[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.C.T.Perumal, learned counsel for the petitioner, Mr.V.Kathirvelu, learned Assistant Solicitor General assisted by Mr.S.Sivakumar, learned counsel for the first respondent, Mr.A.K.Baskara Pandian, learned Special Government Pleader for the respondents 2 to 4 Mr.M.Pandiyarajan, learned counsel for the respondents 5 and 6 and Mr.G.Kasinathadurai, learned counsel for the respondents 9 and 10 . By consent on either side, this writ petition is taken up for final disposal.

2. The petitioner filed this writ petition as Public Interest Litigation to prevent the 11th respondent from starting up any saw mill in R.S.No.1227/4, Rajakkamangalam Village, Agasteeswaram Taluk, Kanyakumari District.

3. The petitioner admits that unless and until the first respondent, namely, the Central Empowered Committee grants permission, no saw mill can be established. The petitioner would state that the 11th respondent is putting up a construction for starting a saw mill.

4. Based on the apprehension, we cannot issue any direction. If there is any violation of the building plan approval, then it is



for the Panchayat Union or Village Panchayat to take action. Needless to state that unless and until the first respondent grants permission, no person is entitled to establish a saw mill. Therefore, we dispose of this writ petition by directing the petitioner to pursue his representation both before the third and fifth respondents, who shall consider the same in accordance with law after issuing notice to the 11th respondent as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar

To

1.The Central Empowered Committee,
II nd Floor, Chanakya Bhawan,
Chanakyapuri, New Delhi-21.

2.The Additional Chief Conservator of Forest (FC) and
Chairman of the State Level Committee,
No.1, Jeeni's Road, Panagal Building,
Chennai.

3.The District Forest Officer,
Kanyakumari Division,
Vadasery, Nagercoi-629 001.

4.The District Collector,
Kanyakumari District,
Nagercoil.

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-93211[F] dated 21/10/2019)
+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-93310[F] dated 21/10/2019)
+1 CC to M/s.SPL GP (SR-93509[F] dated 22/10/2019)

W.P (MD) No.22234 of 2019
21.10.2019

TA

MS/13-11-2019/3P.8C