



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.14383 of 2020

and

W.M.P (MD) No.12025 of 2020

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Jawahar Saw Mill
rep. by its Proprietor,
S.Raja Sekar,
S/o.T.Selvam,
Selvam Timber Depot,
M.Vadipatti, Pattiveeranpatti,
Dindigul District.

... Petitioner

Vs

1.The State Level Empowered Committee
Chairman of State Level Empowered Committee and
Principal Chief Conservator of Forests
(Head of Department) Department of Forests,
Panagal Maligai, Saidapet,
Chennai - 600 015.

2.The Chief Conservator of Forest
O/o.The Chief Conservator of Forest
Dindigul Circle,
Velunachiyar Valagam,
Dindigul District.

3.The District Forest Officer,
Office of the District Forest Officer,
Dindigul Division,
Dindigul,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to dispose of the Appeal for grant of license for the petitioner's Saw Mill namely, Jawahar Saw Mill, situated at 8-1-9, Mela Theru, M.Vadipatti, Pattiveeranpatti, Dindigul District, in favour of the petitioner, in the light of G.O.Ms.No.16 Environment and Forests (FR.13) dated 07.02.2020, within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mrs.M.Rajeswari
Government Advocate



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to direct the respondents 1 and 2 to dispose of the petitioner's appeal for grant of license to the petitioner's Saw Mill, namely, Jawahar Saw Mill, situated at 8-1-9, Mela Theru, M.Vadipatti, Pattiveeranpatti, Dindigul District, in the light of G.O.Ms.No.16 Environment and Forest (FR-13), dated 07.02.2020.

2.The case of the petitioner is that he is running a Saw Mill in the name and style of ''Jawahar Saw Mill'', at the aforementioned address. According to him, the petitioner's father applied for license to run the Saw Mill from the State Level Committee, which was rejected on the ground that the petitioner's Saw Mill is situated within 1.4 kms. from Mankaradu Reserve Forest, on 06.07.2017. Aggrieved by the same, the petitioner has preferred a Statutory Appeal before the second respondent. According to him, till date, the appeal has not been duly considered by the second respondent.

3. The petitioner has also stated in the affidavit that as per G.O.Ms.No.16, Environment and Forest (FR-13), dated 07.02.2020, the Tamil Nadu Regulation of Wood Based Industries Rules, 2010, was amended as ''Any Wood Based Industry can be established in an Industrial Estate or a Municipal area, irrespective of the aerial distance from the boundary of nearest notified forest or protected area."

4.The learned counsel for the petitioner also drew the attention of this Court to the amended Rule 4 of the Tamil Nadu Regulations of Wood Based Industrial Rules, 2010, which came into force on 07.02.2020. He would submit that the Appeal filed by the petitioner will have to be disposed of, in the light of the amended Rule 4 of the Tamil Nadu Regulations of Wood Based Industries Rules, 2010.

5. Admittedly, the statutory Appeal filed by the petitioner before the second respondent, is yet to be considered by the second respondent on merits and in accordance with law and is pending on the file of the second respondent. No prejudice will be caused to the respondents, if the direction sought for in this writ petition is granted in favour of the petitioner.

6. For the foregoing reasons, this Court directs the second respondent to dispose of the statutory appeal for grant of license to the petitioner's Saw Mill namely, Jawahar Saw Mill, situated at 8-1-9, Mela Theru, M.Vadipatti, Pattiveeranpatti, Dindigul District and pass final orders on merits and in accordance with law, in the light of G.O.Ms. No.16, Environment and Forest, (FR-13), dated 07.02.2020, within a period of eight weeks from the date of receipt of a copy of this order.



7. With the aforesaid directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1. The Chairman of State Level Empowered Committee and
Principal Chief Conservator of Forests
(Head of Department) Department of Forests,
Panagal Maligai, Saidapet,
Chennai - 600 015.

2. The Chief Conservator of Forest
O/o. The Chief Conservator of Forest
Dindigul Circle,
Velunachiyar Valagam,
Dindigul District.

3. The District Forest Officer,
Office of the District Forest Officer,
Dindigul Division,
Dindigul, Dindigul District

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-20097[F] dated 15/10/2020)

+1 CC to M/s.GP (SR-20183[F] dated 15/10/2020)

W.P. (MD)No.14383 of 2020

14.10.2020

KMV (CO)

AP(22/10/2020) 3P 6C

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