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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-09-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.14191 of 2015

And

MP No.1 of 2015

The South Zone Match Splints and
Veneers Trader's Welfare Association,
Represented by its Secretary,
Reg.No.65/2004,
I-5, Industrial Estate,
Kovilpatti - 628 501,
Tuticorin District.

.. Petitioner

VS.

- 1.The Member Secretary,
Central Empowered Committee,
II Floor, Chanakya Bhawan,
Chanakyapuri,
New Delhi - 110 021.
- 2.The Principal Chief Conservator of the Forest,
Panagal Maligai,
Saidapet,
Chennai - 600 015.
- 3.The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai - 600 002.
- 4.The Chief Engineer / Commercial, For
Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
Technical Branch,



No.144, Anna Salai,
Chennai - 2.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 2 to 4 to conduct the survey of the Industries indulging in manufacturing of Match Splits and Veneers function within the State of Tamil Nadu and to take immediate action including the prosecution for their involvements and violation of the Rules under Tamil Nadu Regulation of Wood Based Industries Rule, 2010 forthwith.

For Petitioner : Mr.V.Manohar

For Respondent-2 : Mr.C.Kathiravan,
Government Advocate.

For Respondents-1,3 and 4 : No Appearance

O R D E R

The grievance of the petitioner is that the application submitted, seeking permission to run the Industry is yet to be considered.

2. The learned counsel for the petitioner states that many number of such applications are being kept pending and the respondents so far have not considered the same.

3. The second respondent-Principal Chief Conservator of Forests filed counter-affidavit stating that the aim of the Tamil Nadu Regulation of Wood Based Industries Rules, 2010 is to regulate the Wood Based Industries as defined under Rule 2(h) of the abovesaid Rules.

4. It is not meant for cottage industries, but intended to regulate the Wood Based Industries. In this regard, the Hon'ble Supreme Court of India also passed an order, which is referred by the second respondent in their counter-affidavit and even as per the counter-affidavit filed by the second respondent, actions are to be initiated to consider the applications, if any, filed by the petitioner and a decision is to be taken strictly in accordance with law and the Rules in force.



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Central Empowered Committee in their letter No.2-1/CEC/SC/2007 dated 27.06.2007 had nominated the Additional Principal Chief Conservator of Forests (Forest Conservation Act), Office of the Principal Chief Conservator of Forests as the Chairman of the Committee in the place of the Principal Chief Conservator of Forests.

6. I respectfully submit that Tamil Nadu Regulation of Wood Based Industries Rules, 2010 is enacted in the State of Tamil Nadu with effect from 21.10.2010 by the Government in G.O.Ms. No.156, Environment and Forest (FR13) Department, dated 21.10.2010 published in Tamil Nadu Government Gazette No.323, Extraordinary on 21.10.2010. The Wood Based Industries regulated by the provisions of Tamil Nadu Regulation of Wood Based Industries Rules, 2010, which reads as follows:-

“.... Rule 2(1)(h) “Wood based industries” means saw mill, veneer industries, plywood industries, particle board units, Medium Density Fibre Units, block board units, paper pulp and rayon units and includes any other unit involved in cutting, re-sawing or converting timber.

(2) Words and expressions used in these rules, but not defined shall have the meanings assigned to them in the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882).

Rule 3: Restriction on establishment of Wood Based Industries.—No person shall establish or operate any wood based industries including the existing unit, unless a licence is obtained by him in accordance with these rules.



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Rule 4: Application for grant of licence.-(1) Any person, seeking a licence under these rules, shall make an application to the Licencing Officer in Form-I. The person seeking licence, shall pay such fee as may be specified by the Government from time to time, along with application. The fees paid shall not be refunded under any circumstances.

(2) The licence shall be granted by the Licencing Officer in Form-II after satisfying himself that the application is in accordance with all the regulatory mechanism in force for the time being and that the establishment of wood based industries will not have any adverse impact on forests. The licence will be valid for a period of five years."

6. In view of the counter-affidavit filed by the second respondent and considering the fact that the petitioner filed an application, the respondents 2 to 4 are directed to consider the application submitted by the petitioner, verify the documents and pass appropriate orders strictly in accordance with law and the Rules and Regulations as expeditiously as possible and preferably within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar



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+1CC to Mr.V.Manohar, Advocate, SR.No. 50991

WP 14191 of 2015

NRL(CO)

B.VC (18/10/2021)