



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.24801 of 2021
and W.M.P.Nos.26085 and 26087 of 2021

1. Selva Ganapathy Saw Mill
Rep. by its Proprietor, P.Shakthi,
W/o. Late. Ponpandiyan,
No.4/79,Kundrathur Main Road, Sivanthangal,
Kundrathur, Chennai - 600 069,
Kanchipuram District.
 2. P.Shakthi ... Petitioners
- Vs-
1. The District Collector
Kanchipuram District,
Kanchipuram - 603 501.
 2. The Principal Chief Conservator of Forests
Panagal Maligai, No.1, Jennis Road,
Saidapet, Chennai - 600 015.
 3. The Additional Principal Chief Conservator of Forests
& Director,
Arignar Anna Zoological Park,
Vandalur,
Chennai - 600 048.
 4. The District Forest Officer
O/o. The District Forest Office - Kanchipuram,
No.5/9, Varadharaja Farms,
Vandavasi Road,
Kanchipuram - 603 501.
 5. The Forest Range Officer
Sriperumbadur Range,
Sriperumbadur. ... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 3 to 5 to de-seal the machinery of the Selva Ganapathy Saw Mill, which is situated at No.4/79, Kundrathur Main Road, Sivanthangal, Kundrathur, Chennai - 600 069, Kanchipuram District, based on the representations of the petitioner, dated 05.10.2021 and 02.11.2021.

For Petitioners : Mr.B.Sridhar
For Respondents : Mrs.Akila Rajendran
Government Advocate



WEB COPY

O R D E R

The prayer sought for herein is for a writ of mandamus, directing the respondents 3 to 5 to de-seal the machinery of the Selva Ganapathy Saw Mill, which is situated at No.4/79, Kundrathur Main Road, Sivanthangal, Kundrathur, Chennai - 600 069, Kanchipuram District, based on the representations of the petitioner, dated 05.10.2021 and 02.11.2021.

2. The petitioner's husband, one Ponpandiyan started a Saw Mill in the name of Selva Ganapathy Saw Mill at No.4/79, Kundrathur Main Road, Kundrathur, Chennai - 69.

3. Though initially the Mill was started without a license to be obtained in this regard, having realised the same, the petitioner's husband, in the year 2012, i.e., on 25.11.2012 made an application in the format by paying the necessary application fee of Rs.5,000/-. The said application was not immediately considered by the respondents and in the meanwhile, in the year 2013 he died. Thereafter, the petitioner was continuously running the Mill, of course without the license being obtained by her, as she was expecting that the application submitted by her husband in the year 2012 would be considered and license would be granted.

4. Some years have gone, even though the pendency of the said application submitted by the petitioner's husband in the year 2012 at one point of time, she realised that, the petitioner has to give fresh application in her name to continue the running of the Saw Mill by getting the license, accordingly, the petitioner had given an application on 17.06.2020 in the format along with the processing fee of Rs.5,000/- paid by way of Demand Draft.

5. Though the earlier application of the petitioner's husband in the year 2012 and the later application of the petitioner in the year 2020 had been made and the same had been kept pending, however, no action seems to have been taken, according to the petitioner. In the meanwhile, a notice has been issued on 01.10.2021 that the petitioner was running the Saw Mill without the licence obtained in this regard, therefore, if the petitioner continue to run the Saw Mill, it would be closed and sealed by the respondents.

6. Accordingly, on 14.10.2021, the respondents visited the petitioner's mill and closed the same by sealing the premises. Even till date, according to the petitioner, the application submitted by the petitioner or petitioner's husband in the year 2012 has not been decided or disposed of and it has been kept pending. Therefore the petitioner has given a representation on 02.11.2021 to desal the premises and the same since has not been considered, she approached this Court by filing the present writ petition with the aforesaid prayer.



7. Heard Mr.B.Sridhar, learned counsel appearing for the petitioner who would submit that, though the Saw Mill was started prior to 2012, at least in the year 2012, application in the format with fee was made by the petitioner's husband and the same was kept pending and after his demise, on 17.06.2020, the petitioner also had given application once again with necessary fee and that has also been kept pending and all that, the petitioner submits periodically the concerned staff attached with the respondents authority visited the premises and assured that the application would be processed and orders would be passed thereon. Believing the same, the petitioner had been running the Mill and at one fine morning, i.e., on 14.10.2021, they came and sealed the premises, as if that the petitioner, without even making the application has been running the Mill. Therefore, the learned counsel submits that, first, a direction can be given to the respondents to desal the Mill premises which has been sealed and also to process the application submitted by the petitioner, if not of the petitioner's husband and to decide the same for grant of license, within a time frame, that may be stipulated by this Court, he contended.

8. Per contra, Mrs.Akila Rajendran, learned Government Advocate, on instruction would submit that, it is an admitted case of the petitioner that, the petitioner's husband and subsequently, the petitioner has been running the Mill without any license. Though there was an application submitted in the year 2012, before the process is completed the petitioner's husband died, therefore, that application got lapsed. Thereafter, the petitioner should have made an application her own, if she wants to continue the Mill, but belatedly only in the year 2020, she made an application and even though, the petitioner made an application, no necessary documents to that effect have been produced, especially the documents which are in original required for processing the application, had not been produced. Therefore, the application could not be processed further and in the meanwhile, notice was given on 01.10.2021 to the petitioner to close the mill as without license she cannot run the mill. Despite the notice since the petitioner neither responded to the same nor closed the mill, therefore it became necessiated for the respondents to close the mill by putting the seal to the premises of the mill on 14.10.2021. Therefore, the prayer sought for by the petitioner to desal the premises cannot be countenanced, because admittedly there is no license for the petitioner to run the mill, hence, the learned Government Advocate seeks dismissal of this writ petition.

9. I have considered the rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.



10. It is a fact that, during the life time of the petitioner's husband who was originally running the mill, he had given application on 25.11.2012 with necessary fee, though the petitioner husband died only in the year 2013, before which no consideration has been shown on the said application by making process of the same either to accept it or reject it.

11. Subsequently, the petitioner was in the impression that, the application submitted by her husband in the year 2012 would be processed and license would be granted. However, after some years, since nothing was forthcoming from the respondents, having realised the said position, the petitioner has made application once again in her name on 17.06.2020, this time also once again processing fee has been paid. Even this application, according to the petitioner has not been processed, however, it is the stand of the respondents that, necessary document have not been produced by the petitioner.

12. If at all in this regard, the respondents require some documents in original, that could have been intimated to the petitioner, but no such intimation seems to have been given by the respondents to the petitioner. Therefore the question of the petitioner has not produced any documents as required by the respondents in this arena does not arise.

13. Be that as it may, admittedly the petitioner's application, atleast submitted in the year 2020 is pending with the respondents for consideration. Therefore the said application can very well be processed and in this regard, if at all any further documents or original documents are required from the petitioner, an intimation to that effect can very well be given by the respondents to the petitioner and on receipt of the same, those documents can be produced by the petitioner and accordingly, the application can very well be processed and final order can be passed. Without taking up the above application and processing the same as indicated above, now only action has been taken against the petitioner and premises has been sealed.

14. Insofar as running of the mill by the petitioner without license cannot be permitted. Therefore, this Court cannot interfere with the action of the respondents in sealing the premises, hence such a direction sought for in this writ petition to the respondents to desal the premises cannot be granted.

15. But at the same time, insofar as the application submitted by the petitioner, dated 17.06.2020 can be directed to be considered in accordance with law and in this regard, whatever the further document required from the petitioner can be obtained and accordingly final order can be passed.

16. In that view of the matter, this Court feel that this writ petition shall be disposed of with the following order :



WEB COPY

(i) There shall be a direction to the respondents, especially to the fifth respondent, to process the application of the petitioner, dated 17.06.2020 and in this regard, if at all any further documents are required from the petitioner including original documents, intimation to that effect shall be given by the respondents to the petitioner and on receipt of such intimation, the petitioner shall produce those documents in original and after having verified the documents and any other further input to be supplied by the petitioner, the process of said application shall be completed and orders with regard to either grant or otherwise of the license sought for by the petitioner shall be passed.

(ii) The needful as indicated above shall be undertaken by the respondents with the co-operation of the petitioner within a period of six weeks from the date of receipt of a copy of this order.

(iii) It is needless to mention that, depending upon the outcome of the decision to be made on the application of the petitioner, the further action with regard to the desealing of the premises and running of the Saw Mill of the petitioner can be decided.

17. With these directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

tsvn

To

1. The District Collector
Kanchipuram District,
Kanchipuram - 603 501.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The Principal Chief Conservator of Forests
Panagal Maligai, No.1, Jennis Road,
Saidapet, Chennai - 600 015.

3. The Additional Principal Chief Conservator of Forests
& Director,
Arignar Anna Zoological Park,
Vandalur,
Chennai - 600 048.

4. The District Forest Officer
O/o. The District Forest Office - Kanchipuram,
No.5/9, Varadharaja Farms,
Vandavasi Road,
Kanchipuram - 603 501.

5. The Forest Range Officer
Sriperumbadur Range,
Sriperumbadur.

+1 cc to Mr.B.Sridhar, Advocate Sr.NO. 59862

+1 cc to Special Government Pleader Sr.NO. 59963

+1cc to Government Pleader, Sr.No.59994(25/01/2022)

W.P.No.24801 of 2021

ssi(CO)

A.SK(20.01.2022)