



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **29.04.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

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**W.P. (MD)No.7758 of 2012
and MP(MD)No.1 of 2012**

S.Balachandran

: Petitioner

Vs.

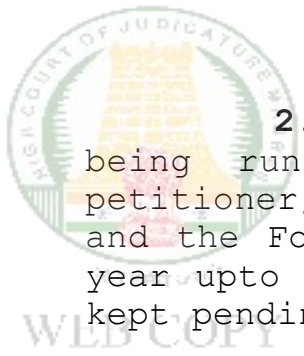
1. The Assistant Engineer,
Distribution / Thirunagar,
Madurai Electricity Distribution Region, TANGEDCO, Madurai.
2. The Member Secretary,
Central Empowered Committee,
Gate No.31, Jawaharlal Nehru Stadium,
Lodhi Road, New Delhi-110 003.
3. The Superintendent Engineer,
TANGEDCO, Madurai.
4. The District Collector,
Collectorate, Madurai District.
5. The District Forest Officer,
Office of the District Forest Officer, Madurai Division,
Madurai, Madurai District.
6. The General Manager,
District Industries Centre, Madurai. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the first respondent from disconnecting the electrical power supply to the petitioner's Saw Mill, namely, Kamadhenu Sawmill, situated at Kottaisamy Nagar, Thirupparankundrm, Madurai-5, bearing service connection No.054-007-923, without following the due process of law.

For Petitioner	: Mr.T.Lajapathi Roy
For R-1 & R-3	: Mrs.M.Rajeswari for Mr.S.M.S.Johny Basha Standing Counsel
For R-4 to R-6	: Mrs.M.Rajeswari Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus forbearing the first respondent from disconnecting the power supply given to the Sawmill belonging to the petitioner in Service Connection No.054-007-923.



2. The case of the petitioner is that the Sawmill is being run from the year 1999 onwards. According to the petitioner, he possesses the permanent Registration Certificate and the Forest Range Officer was also renewing the license every year upto the year 2010. Thereafter, the renewal application was kept pending with the fifth respondent.

3. In the mean time, the petitioner was called to attend the enquiry before the State Level Committee to establish that his Sawmill was functioning even prior to 30.10.2002. The petitioner submitted all the relevant documents to substantiate the fact that the Sawmill was running much prior to 30.10.2002.

4. The petitioner also received show cause notice from the first respondent calling upon the petitioner to give his explanation and to show cause as to why the electricity supply should not be disconnected. The petitioner also gave his explanation.

5. The apprehension of the petitioner is that the first respondent without understanding the purport of the order passed by the Hon'ble Supreme Court in W.P.(C) No.202 of 1995, was attempting to disconnect the electricity connection in spite of the petitioner informing the first respondent that the orders passed by the Hon'ble Supreme Court will only apply to those Sawmills which have commenced their operations subsequent to 29.10.2002.

6. Heard Mr.T.Lajapathi Roy, learned counsel appearing on behalf of the petitioner, Mrs.M.Rajeswari, learned counsel representing Mr.S.M.S.Johny Basha, learned Standing Counsel appearing on behalf of the respondents 1 and 3 and Mrs.M.Rajeswari, learned Government Advocate, appearing on behalf of the respondents 4 to 6.

7. The learned counsel appearing on behalf of the petitioner brought to the notice of this Court the Judgment of the Hon'ble Supreme Court in the case of **T.N.Godararman Thirumalpad Vs. Union of India and others** in **I.A.No.2365 in Writ Petition (s) (Civil) No(S).202 / 1995**. The relevant portions in the Judgment are extracted hereunder:-

"CATEGORY I- MATTERS RELATNG TO WOOK BASED INDUSTRIES:

We have heard Shri Harish Salve, learned amicus Curiae, Shri Ranjit Kumar, learned Solicitor General of India, Shri K.K.Venugopal, learned Senior Counsel and other learned Senior Counsel / Counsels. Accordingly,



we pass the following orders:

The State Level Committees for Wood-Based Industries ("SLCs") are, subject to the compliance of the prescribed guidelines and procedure, authorized to take decisions regarding the grant of license / permission to the wood-based industries;

(ii). In each State / UT for which the SLC has so far not been constituted, the SLC under the Chairmanship of the Principal Chief Conservator of Forests with a representative of the Ministry of Environment and Forest and Climate Change ("MoEFCC") and an Officer of the State Forest Department / Industries Department not below the rank of the Chief Conservator of Forests / equivalent rank will immediately be constituted.

(iii). The MoEF is authorized to issue appropriate guidelines in conformation with the orders and directions issued by this Court and also the existing guidelines to the SLCs relating to assessment of timber availability for wood-based industries and grant of license / permission to the wood-based industries including addition of new machineries and also utilisation of amounts recovered from the wood-based industries and connected matters;

(iv). Any person aggrieved by the decision taken by the SLC may file an appeal before the MoEFCC seeking appropriate relief within 60 days' time. If, for any reason, any person is aggrieved by the orders so passed in the appeal, he may prefer an appropriate petition / application / appeal before the appropriate forum / Court for grant of appropriate relief(s).

We also permit the MoEFCC to condone the delay, if any, in filing an appeal, if sufficient cause is made out by the applicant (s) / appellants (s).

The amounts lying with the respective State Forest Departments (recovered from wood based industries) will be utilized for the purpose of afforestation only.

The respective State Forest Departments will intimate the amount (s) spent by them for afforestation purpose to MoEFCC at the earliest.

With the aforesaid observations and directions, we dispose of the Interlocutory Applications / matters specified in Annexure-I to the note supplied by Shri Harish Salve, learned amicus Curiae."



8. It is clear from the above that the State Level Committee for the Wood Based Industries has been directed to be formed in order to consider the grant of license / permission for Wood Based Industries to continue with other operations.

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9. It is brought to the notice of this Court that a procedure has been evolved in the State of Tamil Nadu. As per the said procedure, any Wood Based Industry must submit an application before the concerned District Forest Officer and the same will be forwarded by the District Forest Officer to the State Level Committee. The State Level Committee, will thereafter, consider the application and pass appropriate orders granting or denying the license / permission. The petitioner has to go through this process seeking for the license accordingly.

10. In view of the above discussion, there shall be a direction to the petitioner to submit a fresh application before the District Forest Officer, namely, the fifth respondent along with all the particulars. On receipt of the application, the fifth respondent shall forward the same to the State Level Committee and the State Level Committee shall take a decision with regard to the grant of license after affording opportunity to the petitioner. This process shall be completed within a period of three (03) months from the date of receipt of the application from the petitioner. The petitioner is directed to submit an application along with all the necessary particulars before the fifth respondent on or before 24.05.2021. The first respondent shall await the decision of the State Level Committee and thereafter, depending upon the decision, shall proceed further, in accordance with law.

11. The Writ Petition stands disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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.

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To

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5. The District Forest Officer,
Office of the District Forest Officer, Madurai Division,
Madurai, Madurai District.

6. The General Manager,
District Industries Centre, Madurai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-18212[F] dated 30/04/2021)

+1 CC to M/s.SPL GP (SR-18271[F] dated 30/04/2021)

**Order made in
W.P. (MD)No.7758 of 2012
Dated: 29.04.2021**

ARK(CO)
TR(03.05.2021) 5P 9C