



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.13189 of 2020

and

W.M.P. (MD)Nos.11047 & 11048 of 2020

R.Mohan

... Petitioner

-Vs-

1.State Level Empowered Committee

Chairman of State Level Empowered Committee
and Principal Chief Conservator of Forests
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 Certiorarified Mandamus, to call for the records pertaining to the impugned order in Ref.No.WR4/39102/2017, dated 09.03.2018 on the file of the respondent No.1 and the consequential impugned order in Na.Ka.No.6443/2003/D, dated 17.03.2018 on the file of the respondent No.3 and quash the same as illegal and consequently, directing the respondent to dispose of the application for grant license for the petitioner's saw mill namely Raja Saw Mill situated at 08.01.2021, Mela Theru, M.Vadipatti, Pattiveeranpatti, Dindigul District, within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.M.Rajarajan

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

Additional Government Pleader



ORDER

Heard the learned counsel on either side.

2.The petitioner submitted an application for grant of license for running the petition mentioned sawmill. The stand of the authority was that the request of the petitioner can be considered only after requisite amendment is made to the relevant statutory rules.

3.Fortunately for the petitioner, vide G.O.Ms.No.16, Environment and Forest Department, dated 07.02.2020, amendments to the Tamil Nadu Regulation of Wood Based Industries Rules, 2010, have been made. Following the amendments, the relevant Rule now reads that *"a 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"*. However, the said Rule also states that it is only the State Level Empowered Committee that can take a call in the matter.

4.It is not known, as to when the Committee would convene. Therefore, I direct the first respondent Committee to consider the petitioner's application for grant of licence in its next meeting.

5.The Writ Petition is disposed of on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

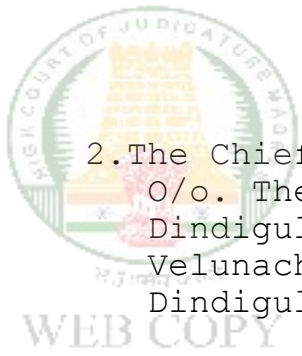
RMI

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

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

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

+1 CC to THE SPECIAL GOVERNMENT PLEADER(SR-7247[F] dated 25/02/2021)

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-7448[F] dated 26/02/2021)

Order made in
W.P. (MD)No.13189 of 2020 and
W.M.P. (MD)Nos.11047 & 11048 of 2020
24.02.2021

PM(CO)
SRS (10/03/2021) 3P : 6C