



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.10.2021**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.18325 of 2021

M.Kalidoss

... Petitioner

Vs.

1.The Additional PCCF (Central),
Ministry of Environment, Forest and Climate change,
Regional Office, (SEZ),
1st & 2nd floor, Handloom Export Promotion Council,
No.34, Cathedral Garden Road,
Nungambakkam,
Chennai-600034.

2.The State of Tamil Nadu represented by
The Principal Secretary,
Department of Environment,
No.1, Jeenis Road, Panagal Building,
Ground floor,
Saidapet, Chennai-600015.

3.The District Collector,
Tirunelveli District,
Kokkirkulam,
Tirunelveli-9.

4.The District Forest Officer,
Tirunelveli Division,
Ngo 'A' Colony,
North Main Road,
Tirunelveli-627007.

5.The Conservator of Forests,
Tirunelveli circle,
NGO Colony,
Tirunelveli-627007.

6.The Divisional Forest Officer,
Social Forestry Division,
North Main Road,
NGO (A) Colony,
Tirunelveli-627007.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first and fourth respondents to provide licence to conduct saw mill in the name and style of M/s.Abirami Wood Works to the petitioner based on the representation sent by the petitioner dated 17.08.2021.



For Petitioner : Mr.T.Selvan
For Respondents : Mr.R.Sureshkumar
Government Advocate

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the first and fourth respondents to provide licence to conduct saw mill in the name and style of M/s.Abirami Wood Works to the petitioner, based on the representation sent by the petitioner dated 17.08.2021.

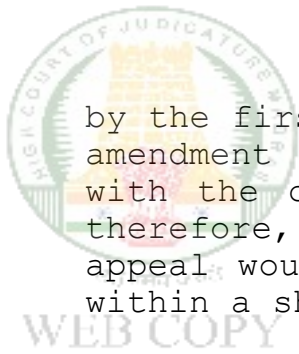
2.The petitioner, in order to establish a saw mill in the name and style of M/s.Abirami Wood Works at No.648, Glory Colony, Maharaja Nagar Post, Tirunelveli-11, had given application to the fourth respondent ie., District Forest Officer, who after having considered the same, rejected the said application by his order dated 11.11.2017.

3.As against the said rejection order, the petitioner preferred an appeal to the first respondent, who is the appellate authority, pursuant to which, the appellate authority also had given personal hearing to the petitioner on 26.12.2017. On that date, the petitioner also appeared and filed his written arguments before the first respondent. However, Thereafter, no orders have been passed by the first respondent, appellate authority.

4.Though a reminder has been sent by the petitioner on 09.03.2020, and some amendment has come by issuing G.O.(Ms)No.16, Environment & Forests (FR.13) Department, dated 07.02.2020, where one of the conditions that within one kilometre from the reserved forest boundary, if any saw mill is located, that may not be hindrance for granting such licence has also been clearly stated and when this was also brought to the notice of the first respondent, no order since has been passed by the appellate authority, the petitioner has given a representation on 17.08.2021, by way of reminder to dispose of appeal on merits. However, in respect of the said representation, since he has not received any response from the respondents, especially, first respondent, he has approached this Court by filing the present writ petition.

5.Mr.T.Selvan, learned counsel appearing for the petitioner, having reiterated the aforesaid, would seeks indulgence of this Court to give a direction to the first respondent to dispose the appeal and pass orders at the earliest.

6.Heard Mr.R.Sureshkumar, learned Government Advocate appearing for the respondents, who would submit that, the appeal, if at all filed in the year 2017, definitely would have been disposed by the first respondent. However, if for any plausible reason, sofar it has not been disposed of, certainly that would be disposed of, not



by the first respondent alone but, by the Committee, because, as per amendment made in the year 2020, now, the appeal power is vested with the committee consisting of the first respondent and others, therefore, if the appeal had already not been disposed of, the appeal would be disposed of on merits by the appellate committee, within a shortest possible time.

7.I have considered the said submission made by both the parties and have perused the materials placed before this Court.

8.The prayer sought for since being in an innocuous nature as he seeks only mandamus to the first respondent or the appellate Committee to decide and dispose the appeal filed sometime in the year 2017, by taking into account the submission made by the learned Government Advocate appearing for the respondents, this Court is inclined to dispose of this writ petition with the following orders:

that there shall be a direction to the first respondent to take up the appeal filed by the petitioner against the order passed by the fourth respondent dated 11.11.2017, in Na.Ka.No.Tha/78/17 and if the same is not already disposed of, the first respondent shall decide the same by referring the matter to the appellate committee, as per the present amendment made in the year 2020 and accordingly, ensure that the appeal of the petitioner is disposed of on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that if the appeal is already disposed of, a copy of the said order shall be furnished to the petitioner.

9.With these directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

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+1 CC to M/s.SPL.GP (SR-31744[F] dated 08/10/2021)

W.P. (MD) No.18325 of 2021
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PS (CO)
KB(19.11.2021) 4P 8C