



WEB COPY

W.P.(MD)No.4298 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2021

CORAM

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD)No.4298 of 2018

and

W.M.P. (MD)No.4401 of 2018

V.Kalaivani

: Petitioner

Vs.

1.The 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 District Collector,
Collectorate, Theni District.

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

: Respondents

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the third respondent to grant licence of the petitioner's Saw Mill, namely, Pandian Timbers Venkatasalam Saw Mill, situated at 321/C, Main Road, Chinnamanur, Theni District as per Rule 4(2) of the Tamil Nadu Regulation of Wood Based Industries Rules, 2010 within the time stipulated by this Court.

For Petitioner

: Mr.T.Lajapathi Roy

For Respondents

: Mr.M.Raja Rajan
Additional Government Pleader

ORDER

Heard the learned Counsel for the Writ Petitioner and the learned Additional Government Pleader appearing for the respondents.

2.The Writ Petitioner submitted an application for grant of licence for running the petition mentioned saw mill. The original stand of the respondents was that the request of the petitioner can be considered, only after the requisite amendments are 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 petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

cmr

To

1. The 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 District Collector,
Collectorate, Theni District.

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

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-4752[F] dated 12/02/2021)

+1 CC to M/s.GP (SR-4930[F] dated 15/02/2021)

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