



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)Nos.19959 & 20005 of 2020

and

W.M.P. (MD)Nos.16661, 16663 & 16664 of 2020

M.Nallusamy

...Petitioner
in both petitions

Vs.

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

2.The Chief Conservator of Forest,
O/o.The Chief Conservator of Forest,
Trichy Circle, J.K.Nagar,
Trichy District.

3.The District Forest Officer,
Office of the District Forest Officer,
Trichy Division, Court Campus,
Cantonment, Trichy District.

...Respondents
in both petitions

Prayer in W.P.(MD)No.19959 of 2020: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the impugned proceedings in No.5944/2020/L dated 28.11.2020 on the file of the third respondent and quash the same as illegal and consequently directing the respondent to shift the petitioner's Saw mill, namely, Shri Ayyappan Saw mill to S. No.487/2, New S.No.487/19C1, 487/19A1A, Balasamuthiram, Thottiyam Taluk, Trichy District, within the time stipulated by this Court.

Prayer in W.P.(MD)No.20005 of 2020: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration to declare the cancellation of sawmill license by the third respondent as illegal and consequently directing the third respondent to grant license for the petitioner's Saw mill, namely, Mahalakshmi Saw mill situated at Balasamuthiram, Thottiyam Taluk,



Trichy District, within the time stipulated by this Court.

(in both W.Ps.)

For Petitioner

:Mr.T.Lajapathi Roy

For Respondents

:Mr.G.Arjunan,

Government Advocate.

* * *

C O M M O N O R D E R

Heard the learned counsel on either side.

2. The petitioner wanted to run a Saw mill in the name and style of Shri Ayyappan Saw mill, at Balasamuthiram, Thottiyam Taluk, Trichy District. Since the license was not granted, the petitioner decided to purchase one Mahalakshmi Saw mill which was a licensed unit operating at Trichy. The petitioner after purchasing the Mahalakshmi Saw mill applied to the State Level Empowered Committee for approval. The State Level Empowered Committee had to deal with two issues.

a) transfer of name in favour of Nallusamy from the previous licensee.

b) Transfer of the unit from Erode to Thottiyam, Trichy.

The State Level Empowered Committee accepted the petitioner's request for name transfer. However, the decision regarding shifting from Erode to Trichy was deferred. Thus, two proceedings were issued. The then District Forest Officer, Trichy, probably got confused and issued licenses in favour of the petitioner for running Mahalakshmi Saw mill. In fact the District Forest Officer, Trichy could have granted the said license, only if the State Level Empowered Committee had accepted both the procedures of the petitioner, namely, transfer of name and transfer of the unit. Based on such recommendation alone, the District Forest Officer, Trichy, could have granted license in favour of the petitioner for running Mahalakshmi Saw mill. However, he erroneously issued proceedings to that effect on 31.10.2017. Since the same was founded erroneous, it was rightly cancelled by the impugned order dated 28.11.2020. Of course the petitioner appears to have got license for running Ayyappan Saw mill subsequently. The license issued on 20.09.2017 has been enclosed the typed set of papers. In paragraph No.6 of the counter affidavit also, it is mentioned that the petitioner got license for running Ayyappan Saw mill in S.Nos.473/3 and 525/3, Trichy-Salem main road, Thottiyam, vide License No.25/2017 dated 20.09.2017 as it was recommended by the committee. However, the stand of the authority is that in the name of Ayyappan Saw mill, the petitioner was illegally running Mahalakshmi Saw mill and that the petitioner wanted to shift Ayyappan Saw mill to another site. Therefore, the respondents passed the impugned order.

3. The petitioner's counsel states that the petitioner has got

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



the remedy of appeal before the Government.

4. The petitioner is given liberty to file an appeal before the Government within a period of six weeks from the date of receipt of a copy of this order. Since there is no dispute that Ayyappan Saw mill has been granted license to operate from Survey Nos.473/3 and 525/3, Trichy Salem main road, Thottiyam, the operation of the said saw mill cannot be interfered with. However, the petitioner cannot run Shri Mahalakshmi Saw mill, till he gets permission from the Government.

5. It is not the case of the respondents that the license given to Ayyappan Saw mill has been cancelled. Hence, the petitioner can run Ayyappan Saw mill. But then, the respondents will lock and seal Shri Mahalakshmi Saw mill. The same can be run, only after getting permission from the Government.

6. With these directions, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

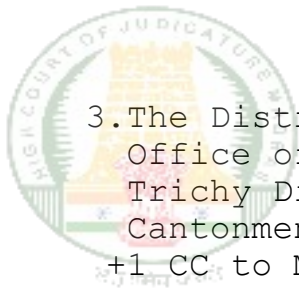
/ /2021

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:

- 1.The State Level Empowered Committee,
Chairman of State Level Empowered Committee
and Principal Chief Conservator of Forests,
(Head of Department),
Department of Forests,
Panagal Maligai, Saidapet,
Chennai - 600 015.
- 2.The Chief Conservator of Forest,
O/o.The Chief Conservator of Forest,
Trichy Circle, J.K.Nagar,
Trichy District.



3.The District Forest Officer,
Office of the District Forest Officer,
Trichy Division, Court Campus,
Cantonment, Trichy District.

+1 CC to M/s.SPL GP (SR-7295[F] dated 25/02/2021)

+2 CCs to M/s.T.LAJAPATHI ROY, Advocate (SR NOs-7449[F] and 7450
dated 26/02/2021)

W.P. (MD) Nos.19959 & 20005 of 2020
24.02.2021

RP (26.05.2021) P 7C