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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Writ Petition No.49986 of 2006 &
M.P.No2 of 2006

V.Chandran

..... Petitioner

-Vs-

1. The State of Tamil Nadu
Rep by its Secretary to Government,
Forest and Environment Development,
Fort St.George, Chennai - 9.

2.The Chief Conservator of Forests,
Pollachi Range, Coimbatore.

3.The Conservator of Forests,
Indira Gandhi Zoological Park,
Pollachi.

4.The Forest Ranger,
Pollachi Range, Coimbatore District.

5.The Member Secretary,
Central Empowered Committee,
O/o.Ministry of Forest,
New Delhi - 3.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of the 3rd respondent in Se.Mu.Aa.No.8154/2006/Ma, dated 23.11.2006 and quash the same as illegal and consequently forbearing the respondents from interfering the petitioner's business till the disposal of the application dated 02.12.2006 pending before the 5th respondent.

For Petitioner : M/S. La Law Associates

For Respondents : M/S. Vijay Anand
Additional Government Pleader (Forest)
for R1 to R4



O R D E R

The writ petition has been filed to quash the proceedings of the 3rd respondent in Se.Mu.Aa.No.8154/2006/Ma, dated 23.11.2006 and quash the same as illegal and consequently forbear the respondents from interfering with the petitioner's business till the disposal of the application dated 02.12.2006 pending before the 5th respondent.

2. The petitioner has been carrying on timber business under the name and style of Dianidhi Timber and Traders. He has registered the business both under the Central Sales Tax Act and Tamil Nadu General Sales Tax Act. The petitioner wants to open a saw mill. The 2nd respondent by proceeding dated 19.08.1997 in G.O.Ms.No.355 of 1987 granted permission for opening the saw mill subject to certain conditions and the petitioner has been carrying on business in due compliance of the said conditions imposed by the 2nd respondent. Whiles, the 2nd respondent by his proceedings dated 6.7.2006 cancelled the permission granted to the petitioner for want of certificate from the expert committee of the Central Government. The petitioner challenged the same by way of writ petition in W.P.No.25292/2006, wherein, this Court has directed the respondent therein to issue show cause notice and then take a decision. Thereafter, based on the direction issued by this Court, the 3rd respondent issued a show cause notice and after conducting enquiry, the 3rd respondent has passed the very same order on 23.11.2006 relying on the subsequent Circular issued after the petitioner's establishment of Saw Mill. Aggrieved against the same, the petitioner has filed the present writ petition.

3. Today, when the matter is taken up for hearing, the learned Additional. Govt. Pleader (Forest) submits that as per the communication dated 22.02.2022, issued by the Deputy Director, Anamalai Tiger Reserve, Pollachi Division, Pollachi, the said area where the petitioner established his Saw Mill was inspected by the Forest Range Officer, Pollachi on 22.02.2022 and it was reported that no such Saw Mill was found to be functioning in Pollachi Range and there are no physical structures available in the said address and at present, in the said address, a resort was running in the name of "Sakthi Resort", therefore, no further action is required in this matter by their division. He would further submit that since the said Saw Mill is not functioning in that area, the relief sought for in this writ petition has become infructuous, hence the writ petition may be dismissed as infructuous.



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4. Recording the submission made by the learned Addl. Govt. Pleader (Forest) and considering the factual position, this writ petition is dismissed as infructuous. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Ub

To

1. The State of Tamil Nadu
Rep by its Secretary to Government,
Forest and Environment Development,
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2.The Chief Conservator of Forests,
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5.The Member Secretary,
Central Empowered Committee,
O/o.Ministry of Forest,
New Delhi - 3.

+1cc to the Special Government Pleader(Forest) SR.No.12836, 13171

W.P.No.49986 of 2006 &
W.M.P.No.2 of 2006

AJB(CO)
GN(01/06/2022)