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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.12485 of 2015
and
M.P.(MD)Nos.1 & 2 of 2015

N.Srinivasa Nadar ... Petitioner

Vs.

1.The Secretary to the Government of Tamil Nadu,
Ministry of Environment and Forest,
Fort St.George, Chennai – 09.

2.The Chief Conservator of Forests,
Tamila Nadu, Chennai.

3.The District Forest Officer,
Tuticorin District,
Bakyalakshminagar, Kathirvel Nagar,
Tuticorin.

4.The Executive Engineer,
Kovilpatti Distribution Division,
TNEB, Kovilpatti, Tuticorin District. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records from the fourth respondent pertaining to the impugned proceedings in க.எண்.செ.பொ/விதி/கோ.பட்டி/தொ.நு.உ/கோ.கட்டு/அ.எண்.120/2015, dated

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17.04.2015 in S.C.No.311-007-145 and quash the same and to pass consequential direction to the respondents to take note of the recommendations of the central empowering committee.

For Petitioner : Mr.N.Anathapadmanabhan,

For Respondents : Mr.R.Sureshkumar,
Additional Government Pleader, for R1 to R3.

: Mr.S.Deenadhayalan, Standing Counsel,
for R4.

ORDER

The present Writ Petition has been filed by the Proprietor of a Match Stick/Match Splints Factory challenging the notice issued by the Tamil Nadu Electricity Board, directing the said industry to obtain no objection certificate from Central Empowered Committee as contemplated under the Tamil Nadu Regulation of Wood Based Industries Rules, 2010.

2. The learned counsel for the petitioner brought to the notice of this Court that the said Rules were amended by way of G.O.Ms.No.79, Environment and Forests (FR-13), dated 23rd July 2015. As per the said amendment, the above said Rules shall not be applicable to Match Splints Industry. The said amendment was challenged before this Court in

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W.P(MD)Nos.9819 and 13656 of 2015 and an order of interim stay was granted. It was later vacated. Thereafter, the Writ Petitions were heard by the Hon'ble Division Bench of this Court and an order was passed on 09.08.2017, dismissing the said Writ Petitions as infructuous. Hence, as on today, the amendment made to the Tamil Nadu Regulation of Wood Based Industries Rules granting exemption to Match Splints Factories, is sustained.

3.The District Forest Officer, Tuticorin Division has given reference No.L/6142/2006, dated 28.07.2022, on written instructions, to the Special Government Pleader of this Court, specifically pointing out that in the light of the amendment to the Tamil Nadu Regulation of Wood Based Industries Rules, the Match Splints Industries are not covered under Tamil Nadu Regulation of Wood Based Industries Act, 2010 and do not require license from the Forest Department. The said communication is taken on record.

4.In view of the above said facts, the impugned order passed by the Electricity Board demanding no objection certificate from the Central Empowered Committee or District Forest Officer are without jurisdiction and they are set aside.

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5.Accordingly, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

05.08.2022

Index : Yes / No
Internet : Yes / No
das

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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Fort St.George, Chennai – 09.

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3.The District Forest Officer,
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R.VIJAYAKUMAR ,J.

das

Order made in
W.P.(MD).No.12485 of 2015
and
M.P.(MD)Nos.1 & 2 of 2015

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