



W.P.(MD).No.7211 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.08.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.7211 of 2015

and

M.P.(MD)No.1 of 2015

H.N.Mohamed Sali

... Petitioner

Vs.

- 1.The Member Secretary,
Central Empowered Committee,
II floor, Chankya Bhawan,
Chankyapuri, New Delhi – 110 021.
- 2.The Principal Chief Conservator of the Forest,
Panagal Maligai, Saidapet,
Chennai – 600 015.
- 3.The District Forest Officer,
Office of the District Forest Officer,
Tuticorin, Tuticorin District.
- 4.The Forest Ranger,
Office of the Forest Ranger,
Kovilpatti Range, Kovilpatti,
Tuticorin District.
- 5.The Assistant Executive Engineer, Distribution
Tamil Nadu Electricity Board (TANGEDCO),
Kovilpatti, Tuticorin District.

... Respondents



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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 pertaining to the order passed by the fifth respondent in his proceedings letter No. SE.PO./VINI/KO.PATTI/THO.THU.U.KO.KATTU/A.NUMBER. 120/2015, dated 17.04.2015 received by the petitioner on 20.04.2015 and quash the same and consequently, direct the fifth respondent not to insist any permission from the first respondent.

For Petitioner : Mr.K.Vadivelu.

For Respondents : Mr.R.Sureshkumar,
Additional Government Pleader, for R1 to R4.

: Mr.S.Deenadhayalan, Standing Counsel,
for R5.

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



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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 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



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Empowered Committee or District Forest Officer are without jurisdiction and they are set aside.

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

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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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R.VIJAYAKUMAR ,J.

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