



W.P.(MD)No.26013 of 2022

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 17.11.2022

CORAM

**THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

W.P.(MD)No.26013 of 2022

M.S.Marnadu

... Petitioner

Vs.

1.The State Empowerment Committee  
of Forest,  
C/o.Panagal Building,  
Anna Salai, Saithapet,  
Chennai-15.

2.The Chief Conservation of Forest,  
Panagal Building,  
Anna Salai, Saithapet,  
Chennai-15.

3.The Additional Conservation of Forest,  
Virudhunagar.

4.The Additional Conservation of Forest,  
Madurai.

5.The District Forest Officer,  
Sivagangai,  
Sivagangai District.

6.The District Forest Officer,  
Madurai, Madurai District.

... Respondents



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**PRAYER :** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to transfer the Saw Mill Licence No.36 of 2011 in the name of petitioner and further direct the Respondents to pass an order of shifting the Saw Mill from 54, 55 Mathinagar, Thirupattur Taluk, Sivagangai District to SY.No.143/1A, Vidathakulam Village, Thirumangalam Taluk, Madurai District.

For Petitioner : Mr.V.M.Balamohan Thampi

For Respondents : Mr.S.Shanmugavel  
Additional Government Pleader

### **ORDER**

The prayer sought for is for a Writ of Mandamus, directing the respondents to transfer the Saw Mill Licence No.36 of 2011 in the name of petitioner and further direct the Respondents to pass an order to shift the Saw Mill from 54, 55, Mathinagar, Thirupattur Taluk, Sivagangai District to SY.No.143/1A, Vidathakulam Village, Thirumangalam Taluk, Madurai District.

2.It is submitted by the learned counsel for the petitioner that, M.S.P.P.Firm Saw Mill was established by one Mr.C.Udhayakumar. The



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appropriate authority had issued the license for functioning of the Saw Mill originally, until 08.11.2021, which was thereafter extended to 28.01.2026.

The petitioner had purchased the Saw Mill machineries and the said license from Mr.C.Udhayakumar and had also filed a petition before the 4<sup>th</sup> respondent seeking transfer of the license in the name of the petitioner and also seeking permission to shift the Saw Mill from 54, 55 Mathinagar, Thirupattur Taluk, Sivagangai District to SY.No.143/1A, Vidathakulam Village, Thirumangalam Taluk, Madurai District. It is submitted by the learned counsel for the petitioner that, though the above application for transfer was made as early as on 08.11.2021 and proceeding was also issued by the 4<sup>th</sup> respondent requesting the 5<sup>th</sup> Respondent to inspect the proposed place and to submit a report. Though inspection was made on 06.12.2021, the application is still kept pending. It is submitted that the tenure of the license is for a limited period and the undue delay in considering the application would impair the petitioner's right in terms of the license. It is thus submitted by the learned counsel for the petitioner that the respondent ought to dispose of the application and the representation dated 10.11.2022, filed by the petitioner, requesting to consider the application for transfer of



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the license in the name of the petitioner and also to pass order on the permission to shift the Saw Mill from 54, 55 Mathinagar, Thirupattur Taluk, Sivagangai District to SY.No.143/1A, Vidathakulam Village, Thirumangalam Taluk, Madurai District.

3.Learned Additional Government Pleader appearing on behalf of the respondents submitted that the application and the representation would be considered and pass orders thereon in accordance with law within a period of six months.

4.This Court is of the view that, since already a year has gone by after filing the application, there shall be a direction to the 1<sup>st</sup> Respondent herein to consider the application dated 08.11.2021 and representation of the petitioner dated 10.11.2022 and pass appropriate orders on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order, after affording a reasonable opportunity to the petitioner and other stake holders/interested parties, if any. It is made clear that this Court has not expressed any views with regard to the merits of the



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representation and it is open to the respondents to consider the same on its own merits.

5.With the above direction, this writ petition is disposed of. No costs.

**17.11.2022**

Index: Yes / No  
Speaking Order/Non-speaking order  
*sbn*

To

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**MOHAMMED SHAFFIQ, J.**

*sbn*

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