



W.P.No.19679 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.19679 of 2023

and

WMP.No.18955 of 2023

S.Chandran

...Petitioner

Vs.

- 1.The Member Secretary
State Level Committee, (Wood Based Industries)
Government of Tamil Nadu
Panagal Building
Saidapet, Chennai 600 015.
- 2.The Principal Chief Conservator of Forests, (HOD)
No.1, Jeenis Road
Panagal Building
IX Floor, Saidapet
Chennai 600 015.
- 3.The Conservator of Forests
Salem Circle
Cherry Road
Salem 636 007.
- 4.The District Forest Officer
District Forest Office
Asthampatty
Salem 636 007.



W.P.No.19679 of 2023

5.The Divisional Forest Officer
Attur Division
Attur Taluk
Salem District.

6.The Forest Range Officer
Gangavalli Forest Range
Gangavalli, Salem District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the entire records in respect of the impugned notice sent by the fifth respondent in Na.Ka.No.1230/2022/L, dated 08.06.2023 and quash the same and consequently direct the respondents 2 to 4 to consider the petitioner's application dated 13.02.2023 to transfer the license in favourof the petitioner for petitioner's Sawmill namely “Chandran Sawmill” situated at Attur Main Road, Naduvalur Post, Gangavalli Taluk, Salem District bearing Survey No.648/2 Patta No.149/8.

For Petitioner : Mr.L.Rajendran

For Respondents : Mrs.S.Anitha for R1 to R6
Special Government Pleader



W.P.No.19679 of 2023

ORDER

The petitioner has come up with this Writ Petition challenging the order passed by the fifth respondent, which is an order of closure of Chandran Sawmill registered in the name of the petitioner's father on the ground that the distance between the Reserve Forest and Sawmill is less than 2 kilo metres.

2. According to the writ petitioner earlier the fifth respondent issued a show cause notice to the father of the petitioner who held the license for Sawmill and the show cause notice was challenged by his father in the Writ Petition in W.P.No.30151 of 2014.

3. When the Writ Petition was pending, the father of the petitioner, Subramani, passed away on 20.01.2016, but the same was not brought to the notice of this Court and ultimately, an order has been passed directing the petitioner therein to file his objection before the fifth respondent with regard to the distance between the Reserve Forest and Sawmill. The fifth respondent herein who was arrayed as second respondent in the said Writ Petition was directed to pass appropriate orders after considering the



W.P.No.19679 of 2023

objection, if any submitted by the petitioner therein namely the father of the petitioner. Thereafter, the matter has been taken up for consideration by the fifth respondent herein and the impugned order was passed. The fifth respondent, by the impugned order, directed the closure of Sawmill, finding that the distance between reserve forest and petitioner's Sawmill is less than 2 kilo metres.

4. The petitioner even in the affidavit filed in support of this Writ Petition clearly admitted that he got knowledge about the disposal of the Writ Petition filed by his father during September 2022. That being the case, the petitioner failed to appear before the fifth respondent and file his objection regarding the distance factors. Therefore, the fifth respondent, after having found that the distance between the Reserve Forest and the petitioner's Chandran Sawmill is less than 2 kilo metres, rightly ordered closure of Sawmill by relying upon the Tamil Nadu Sawmill Regulation Rules 2010.

5. The writ petitioner who failed to appear before the fifth respondent and make his objection regarding the distance factors, cannot come before this Court stating that the reason cited by the fifth respondent is wrong



W.P.No.19679 of 2023

and distance between the Reserve Forest and Sawmill is more than prescribed distance. Therefore, I do not find any merits in this writ petition.

6. Accordingly, this Writ Petition is dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

04.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
dna

To

- 1.The Member Secretary
State Level Committee, (Wood Based Industries)
Government of Tamil Nadu
Panagal Building
Saidapet, Chennai 600 015.
- 2.The Principal Chief Conservator of Forests, (HOD)
No.1, Jeenis Road
Panagal Building
IX Floor, Saidapet
Chennai 600 015.
- 3.The Conservator of Forests
Salem Circle
Cherry Road
Salem 636 007.



WEB COPY



W.P.No.19679 of 2023

S.SOUNTHAR, J.

dna

4.The District Forest Officer
District Forest Office
Asthampatty
Salem 636 007.

5.The Divisional Forest Officer
Attur Division
Attur Taluk
Salem District.

6.The Forest Range Officer
Gangavalli Forest Range
Gangavalli, Salem District.

W.P No.19679 of 2023

and

WMP.No.18955 of 2023

04.07.2023