



WEB COPY



W.P.No.28519 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No. 28519 of 2022

and

WMP.No.27830 of 2022

M/s.Three Star saw Mill
Door No. 49, V. Kotta Road,
Pernambut, Vellore District,
Pincode-635810.
Represented by Proprietors,
Mr.A.Khatibuddeen
Mr.A.Monudeen
Both Sons of Late Kamal Basha
No. 18/12, Navalli Street,
Pernambut, Vellore District,
Pincode- 635810.

.. Petitioner

Versus

1. The Additional Principal Chief
conservator of Forests
(Central) and Appellate Authority,
Government of India,
Ministry of Environment Forests and
Climate Change,
Regional Office(South Eastern Zone)
I & II Floor,
No.34, Cathedral Garden Road,
Nungambakkam, Chennai-34.



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2. The State Level Committee

Represented by

Principal Chief Conservator of Forests(HoD)

The Chairman of the Committee,

Panagal Maaligai,

Saidapet, Chennai - 600 015.

3. The Chief Conservator of Forests,
Vellore Circle, Vellore - 9.

4. The District Forest Officer,
Vellore District, Vellore.

5. K.Abdul Samad

6. Farooq Sahib

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 and 4 to issue renewal of licence to and in favour of the Petitioner Concern Viz. M/s. Three Star Saw Mill at Door No. 49 V.Kotta Road Pernambut Vellore District following the orders passed by the 1st respondent Appellate Authority dated 12.01.2018 remitting the matter of issue of renewal of licence in favour of the Petitioner Concern to the 2nd respondent for reconsideration.

For Petitioner : Mr.S.Sadasharam

For Respondents	: Mr.K.Srinivasamurthy, SPC	For R1
	Mrs.R.Anitha, SGP	For RR2 to 4
	Mr.T.Ram Kumar	For R5
	No appearance	For R6



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ORDER

WEB COPY This writ petition is filed seeking a direction to the second respondent to dispose of the petitioner's appeal and also to issue renewal of licence to and in favour of the Petitioner.

2. It is the case of the petitioner that one A.Khatibudeen and A.Moinudeen have purchased a saw mill and they made an application for renewal of license with the 4th respondent on 02.08.2016 and the 4th respondent have referred the matter to the second respondent/State Level Committee. The second respondent has convened a meeting on 06.07.2017 and passed an order dated 21.07.2017 referring the matter to the Government of India, Ministry of Environment, Forests & Climate change, New Delhi. Thereafter, the petitioner Company have preferred an appeal before the first respondent on 05.12.2017. On 12.01.2018, the first respondent passed an order and remitted the matter back to the second respondent/State Level Committee for re-consideration. Despite such a remand, no orders has been passed so far. Hence, the present writ petition has filed seeking an appropriate direction.



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3. The learned Special Government Pleader appearing on behalf of the respondents 2 to 4 submitted that the second respondent was scheduled to conduct a meeting on December 2022 and however, the said meeting could not be convened because of the various other matters. Now the second respondent will convene the meeting in the month of January, 2023 and the petitioner's application will be taken up for consideration. Whereas the learned counsel for the 5th respondent submitted that according to him, he is the original owner of the petitioner Company and he never transferred the same to one A.Khatibudeen and A.Moinudeen.

4. Be that as it may. As the appellate authority has already remitted the matter to the second respondent, the second respondent shall consider the petitioner's application and pass an order, within a period of two months from the date of receipt of a copy of this order, after providing opportunity to the petitioner as well as the respondents 5 & 6, on merits and in accordance with law.



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WEB COPY 5. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Speaking Order : Yes / No

To

1. The Additional Principal Chief Conservator of Forests
(Central) and Appellate Authority,
Government of India,
Ministry of Environment Forests and
Climate Change,
Regional Office(South Eastern Zone), I & II Floor,
No.34, Cathedral Garden Road,
Nungambakkam, Chennai-34.

2. The State Level Committee
Represented by
Principal Chief Conservator of Forests(HoD)
The Chairman of the Committee,
Panagal Maaligai,
Saidapet, Chennai - 600 015.

3. The Chief Conservator of Forests,
Vellore Circle, Vellore - 9.

4. The District Forest Officer,
Vellore District, Vellore.

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N.SATHISH KUMAR, J.

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