

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Sixth day of March Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice C.SARAVANAN

WMP(MD) . No.4258 of 2023
in
WP(MD) .3965 of 2022

The State of Tamil Nadu
Rep. by its Principal Secretary / Appellate
Authority,
Department of Forest,
Fort St George ,
Chennai -09.

... Petitioner/1st Respondent/
1st Respondent

Vs

- 1 Electa,
- 2 The State Level Empowered Committee,
Chairman of State Level Empowered
Committee and Principal Chief Conservator
of Forests, (Head of Department),
Department of Forests ,
Panagal Maligai,
Saidapet,
Chennai-600 015.
- 3 The District Forest Officer,
O/o. the District Forest Officer ,
Ramanathapuram District.

... 2nd and 3 Respondent/2nd &
3rd Respondent/2nd & 3rd Respondent

Prayer in WMP(MD) .No.4258 of 2023:-

This Writ Miscellaneous Petition under article 226 of the constitution of India to modify the order passed in W.P(MD) No. 3965 of 2022 and WMP(MD) No. 3405 of 2022 dated 04.03.2022 by treating the Appellate Authority as the Government of India instead of the State of Tamil Nadu and thus render justice.

Prayer in WP(MD) .No.3965 of 2022:-

This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Madamus for a direction to the Respondent No.1 to dispose of the Appeal preferred under Rule 12 of the Tamil Nadu Regulation of wood based Industries Rules 2010 by the petitioner dated 11/09/2021 on the file of respondent no.1 within the time period stipulated by this Honourable court.

ORDER:- This Writ Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.Selva Ganesan, Additional Government Pleader for the Petitioner and of Mr.M.Mahaboob Fazil , Advocate for the respondents, this Court made the following order:

This Miscellaneous Petition has been filed to modify the order, dated 04.03.2022, passed in W.P.(MD)No.3965 of 2022, by treating the Appellate Authority as the Government of India instead of the State of Tamil Nadu, in view of the amendment to Rule 12 of the Tamil Nadu Wood Based Industries Rules, 2010, vide G.O.(Ms)No.41, Environment, Climate Change and Forest (FR13) Department, dated 28.02.2023.

2. The learned counsel for the first respondent/writ petitioner submits that he has no objection as long as the appeal is disposed of either by the petitioner/first respondent in the Writ Petition, as ordered by this Court, vide order dated 04.03.2022, or by the Deputy Director of Forests (C), Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Chennai.

3. Recording the aforesaid submission, this Petition is allowed as prayed for.

4. In view of the order passed today, modifying the earlier order dated 04.03.2022, the petitioner herein/the first respondent in the Writ Petition is directed to forward the appeal to the Deputy Director of Forests (C), Ministry of Environment, Forest and Climate Change, Integrated Regional Office, 1st Floor, Additional Office, Block for GPOA, Shastri Bhavan, Haddows Road, Nungambakkam, Chennai - 600 006, with due intimation to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS.III)

// True Copy //

/03/2023

Sub Assistant Registrar(CS)

SMN2

TO

1. Electa,
W/o. Perinbam ,
5/3465,
Raja Nagar ,
Thangachimadam ,
Rameswaram Taluk, Ramnathapuram District.
2. The State Level Empowered Committee,
Chairman of State Level Empowered
Committee and Principal Chief Conservator
of Forests (Head of Department) ,
Department of Forests,
Panagal Maligai,
Saidapet, Chennai-600 015.
3. The District Forest Officer
O/o. the District Forest Officer
Ramanathapuram District.
4. The Special Govt. Pleader,
Madurai Bench of Madras High Court, Madurai

Copy to:

1. The Deputy Director of Forests(C) ,
Ministry of Environment, Forest and Climate Change,
Integrated Regional Office,
I st Floor,
Additional Office, Block for GPOA,
Shastri Bhavan, Haddows Road,
Nungambakkam
Chennai- 600 006.
2. The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 06/03/2023

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Modification
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WMP (MD) . No.4258 of 2023
in
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SA(16.03.2023) 3P 7C