



W.P.(MD)No.16396 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P.(MD)No.16396 of 2023

S.Jansi

... Petitioner

vs.

1.The Principal Chief Conservator of
Forests,
Pangal Maligai, Saidapet,
Chennai- 600 015.

2.The Conservator of Forests and Field
Director,
Kalakad Mundanthurai Tiger Reserve,
Tirunelveli-7.

3.The District Forest Officer,
Tirunelveli Division,
Tirunelveli-7.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 3rd respondent to consider the petitioner's application, dated 28.09.2021, requesting to transfer of ownership, name change, renewal of license and permission to shift the Saw Mill of the petitioner under the name and style of JRK Saw Mill and Timbers (New name: Jansi Saw Mill) from No.314/2, Ariyakulam post, Palayamkottai Taluk, Tirunelveli District – 627 011 to S.No.12/1G, 1G1, 1G2 situated at Maruthadiyur Road, Keelapavur, Alangulam Taluk, Tenkasi District, made under the Rules laid down in Tamilnadu Regulation of Wood based Industries Rules, 2010.

For Petitioner : Mr.R.Maheswaran
For Respondents : Mr.M.Ramesh
Government Advocate

ORDER

This writ petition is filed for writ of Mandamus, to direct the 3rd respondent to consider the petitioner's application, dated 28.09.2021,



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requesting to transfer of ownership, name change, renewal of license and permission to shift the Saw Mill of the petitioner under the name and style of JRK Saw Mill and Timbers (New name: Jansi Saw Mill) from No.314/2, Ariyakulam post, Palayamkottai Taluk, Tirunelveli District – 627 011 to S.No.12/1G, 1G1, 1G2 situated at Maruthadiyur Road, Keelapavur, Alangulam Taluk, Tenkasi District, made under the Rules laid down in Tamilnadu Regulation of Wood based Industries Rules, 2010.

2. On instructions, the learned Government Advocate appearing for respondents submitted that the petitioner has purchased the Saw Mill from the erstwhile owner namely only Raj Kumar and the said Raj Kumar was granted license by the respondents from 06.04.2018 and it is it is valid until 31.12.2020. In the meanwhile, the petitioner has



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purchased the said Saw Mill on 20.09.2021. Thereafter, the petitioner as a subsequent purchaser has approached the 3rd respondent for name transfer.

3. The contention of the 3rd respondent is that if the erstwhile owner has approached for extension of lease, the 3rd respondent is the appropriate authority. Since the petitioner, being subsequent purchaser is seeking name transfer and to shift the place of the Saw Mill, then the appropriate authority is the 2nd respondent as per the Rule 6 of Tamil Nadu Regulation of Wood Based Industries Rules, 2010, for transfer of license. The said Rules states as under:

“6. Transfer of licence. The licence shall normally be non-transferable. However, transfer of licence can be allowed from one person to another by the Conservator of Forests or Field Director as the case may be in cases of sale, inheritance, division of property, family arrangement and dissolution of partnership, subject to the approval of the Committee.”



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4. The rules states that the authority is having power to entertain the name transfer petition if the Saw Mill is sold, inherited on family arrangement or dissolution of partnership. But, the same has to be granted subject to the approval of the Committee. Therefore, the 2nd respondent is directed to consider the petitioner's application in accordance to law especially under Rule 6 of Tamil Nadu Regulation of Wood Based Industries Rules, 2010. The said exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

5. With the above said observation, the writ petition is disposed of.

No costs.

10.07.2023

Index : Yes / No
Internet : Yes
NCC : Yes / No
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