



W.P.No.17528 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No. 17528 of 2024

M/s.Indo-Afro Essential Oil Pvt. Ltd.,
Represented by its Authorised Signatory,
Nayaz Ur Rehaman,
R.S.No.26/3,4, Olavaikal Village,
Villianur, Pondicherry – 605 110. Petitioner

Vs

1. The Conservator of Forests,
Salem Circle,
Cherry Road, Salem – 636 007.

2. The Conservator of Forests,
Forest Department, Puducherry.

3. The District Forest Officer,
Salem District, Salem.

4. The Forest Range Officer,
Shervoryan South Range,
Salem – 7.

5. The Assistant Conservator of Forest,
Salem Forest Circle, Salem. Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for
the issuance of Writ of Mandamus, directing the respondents 3 to 5 to



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return the seized goods of Sandal Wood Dust and Chips of 5,973.500 along with 22.650 Kg of unfiltered Sandal Oil from the petitioner by considering the representation of the petitioner herein dated 18.06.2024 and 19.06.2024 within the time fixed by this Court.

For Petitioner : Mr.R.Nalliyappan
For Respondents : Dr.T.Seenivasan
Special Government Pleader

ORDER

This Writ Petition has been filed for a direction, directing the respondents 3 to 5 to return the seized goods of Sandal Wood Dust and Chips weighing 5,973.500 kgs along with 22.650 kgs of unfiltered Sandal Oil from the petitioner.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner Company was established at Pondichery as per Pondichery Government Norms as well as Indian Forest Laws. It has got valid license from various departments and authorities of the State as well as Central to manufacture essential oil and cosmetics and in short, it is a wood based industry. The petitioner imported sandal wood



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chips and dust and extracted oil from it. The petitioner has imported the sandal wood for his factory through air cargo and ship. On 26.12.2022, the petitioner had imported first lot of sandal wood chips and dust weighing 303.5 kgs from C.V.Indonasian Dynasity through air cargo. Thereafter, on 21.08.2023, the petitioner imported the second lot of sandal wood chips and dust weighing 7280 kgs from the same Company through ship. Out of the imported goods, the petitioner had used 1610 kgs of sandal wood chips and dust to extract 40 kgs of sandal wood unfiltered oil. The remaining sandal wood and dust were kept in the factory premises.

4. During election, there was no production activity in the factory and as such, the factory was closed for the time being. While being so, the Forest Officials had entered into the factory premises on 14.06.2024 and seized the imported sandal wood chips and dust weighing 5,973.50 kgs along with 22.650 kgs unfiltered sandal oil. Therefore, the petitioner submitted a representation to return those goods, which were not connected with any crime.



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5. The learned counsel appearing for the petitioner produced some invoices, shipments and cargo details to show that the petitioner imported sandal wood chips and dust from the Indonasian Company. He also submitted that those goods were seized illegally by the respondents and thereafter, it was shown in the seizer mahazar as if it was purchased from the accused, who were involved in STOR No.1 of 2024 on the file of the fourth respondent. Therefore, the petitioner submitted a representation to release the materials, which were allegedly seized from the petitioner.

6. A perusal of the counter filed by the third respondent and the submissions made by the learned Special Government Pleader appearing for the respondents reveals that on 03.06.2024, a vehicle bearing Registration No.KL-11-AQ-2600 was intercepted by police near Magudanchavadi in Salem District and informed to the fourth respondent. Thereafter, the fourth respondent and its team reached the spot and on inspection, it is found 86 bags containing sandal wood. Pursuant to which, two persons were taken for interrogation and on their statements four more persons were taken custody and registered the



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schedule timber offence in STOR No.1 of 2024 as against six accused persons. All the accused belongs to Kerala. They were produced before the Judicial Magistrate No.VI, Salem and remanded to judicial custody for investigation from 10.06.2024 to 13.06.2024. On enquiry, it is found that they illegally smuggled sandal wood in favour of the petitioner, for which, they have been paid by the petitioner.

7. The petitioner obtained license from the second respondent as a wood based industry and imported sandal wood chips and dust from Indonasia on 26.12.2022. However, the petitioner had sent sandal wood oil to SGS India Private Limited as early as on 05.12.2022. It shows that the petitioner was operating this business, without obtaining any permission or license from the second respondent, even before importing sandal wood chips and dust. Further, it shows that the accused persons in STOR No.1 of 2024 used to supply sandal wood to the petitioner's Company illegally.

8. The Tamil Nadu Sandal wood Possession Rules, 1970 and the Tamil Nadu Sandalwood Transit Rules, 1967, provides for trade



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and possession of sandal wood and imposing penalties and imprisonment.

It mandates necessary permits for the movement of imported or Indian Sandal Wood through the State. Admittedly, the petitioner did not possess any permission or license in transporting sandal wood through out the State. That apart, the petitioner Company is situated only 1.2 k.m from the Ossudu Bird Sanctuary. As per the Rule 7(ii) of the Wood-based Industries (Establishment and Regulation) Guidelines, 2016, it shall ordinarily be not allowed to be established within ten kilometers aerial distance from the boundary of nearest notified forests and protected areas. Therefore, the grant of permission to the petitioner Company itself is in violation of the wood based industry guidelines.

9. After seizure of sandal wood chips and dust, the investigation reveals that most of the bags reads as “MOM 8686”. The origin of the said marking is a cryptic code and denotes the last four digits of the mobile number of one of the accused, i.e., Fajas, who arrayed as third accused in STOR No.1 of 2024. It means that the petitioner had purchased these sandal wood chips and dust from the third accused. Therefore, on the confession statements from the accused, the



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fifth respondent, after following due process of law in the presence of the jurisdictional revenue department and police department officials, along with the investigating team, made search on the petitioner's Company on 13.06.2024 and 14.06.2024. During the search, 156 bags of sandal wood chips, 53 bags of sandal dust, 22.65 kgs of sandal wood oil and 22 kgs of sandal wood were found in the petitioner's Company, without any valid documents and the same were seized and brought before the Chief Judge, Puduchery, on 15.06.2024.

10. Further in the closed factory premises, during search by the fifth respondent, it was found that fuel wood for distillation of the illegal sandal wood and receipt for the fuel wood dated 02.06.2024 were available. Further, there were some cooked food (in spoiled stage) was available in the factory premises which meant for consumption of employees. It shows that the petitioner closed the factory, as if it was closed to the general public and smuggled sandal wood chips and dust through the accused and illegally operated the Company. Thereafter, the petitioner was also issued summons for enquiry about its role in the illegal smuggling and distillation of sandal wood as per the Tamil Nadu



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Forest Act, 1882. Therefore, the representation submitted by the petitioner cannot be considered and the writ petition lacks merits and is liable to be dismissed.

11. The respondents 3 to 5 are directed to take appropriate steps to implead the petitioner as also an accused, if any incriminating evidence available as against the petitioner. The second respondent is directed to inspect the petitioner's premises and take appropriate action as against the petitioner for smuggling sandal wood chips and dust and possessing sandal wood chips and dust without any proper documents.

12. With the above directions, this writ petition stands dismissed.

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Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
Lpp

To



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