



W.P.(MD) No.9485 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.9485 of 2024

and

W.M.P.(MD)No.8608 of 2024

M.Zahir Hussain

... Petitioner

Vs.

1.The State Level Empower Committee,
Rep. by its Chairman,
Panagal Building,
Saidapet, Chennai - 600 015.

2.The District Forest Officer
Madurai Forest Division,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No.1458/2019/Aa4-42, dated 20.03.2024, quash the same as illegal and consequently, direct the respondents to grant license for the petitioner's Saw Mill namely, M.M. Saw Mill in Survey No.161/12B, situated at Karuthapuliyannpatti Village, Melur Taluk, Madurai District, in accordance with Rule - 4(2) of the Tamil Nadu Regulation of Wood



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Based Industries Regulation, 2010, on the basis his application dated 19.03.2024, within the time stipulated by this Court.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.G.Suriyananth
Additional Government Pleader

ORDER

In this Writ Petition, the petitioner has challenged the impugned communication dated 20.03.2024 bearing reference in Na.Ka.No. 1458/2019/R4-42 issued by the second respondent.

2. By the impugned communication, the application filed by the petitioner for licence under provisions of the Tamil Nadu Regulation of Wood Based Industries Rules, 2010 issued under Section 26 read with Sections 35 and 63 of the Tamil Nadu Forest Act, 1962 has been rejected, on the ground that the Wood Balance Study is yet to be completed by the first respondent. The petitioner has made an application as early as 13.01.2017 and it has been rejected in 2024 stating the above reason.

3. The learned Additional Government Pleader for the respondents would submit that the same decision was earlier indicated by the second



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respondent on 23.07.2021 in his proceedings bearing reference in

Na.Ka.No.1458/2019/R4-42.

4. It is further submitted that the petitioner's representation was considered by the State Level Committee/the first respondent and was deferred by the Principal Chief Surveyor of Forest, Chennai in his proceedings dated 25.06.2021 bearing reference in Na.Ka.No.Writ4/6822/2020.

5. It is submitted that in absence of Wood Balance Study, the question of granting of licence to the petitioner as per the Regulations cannot be countenanced.

6. It is submitted that the first respondent has also been liaising with the Institute of Wood Science and Technology (IWST), Bangalore to furnish Wood Balance Study Report for granting of new licence as per Regulations and in absence of that report, the petitioner's licence cannot be processed and therefore, the Demand Draft sent by the petitioner on 19.03.2024 for a sum of Rs.5,000/- has been returned.



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7. That apart, the learned Additional Government Pleader for the respondents would submit that the Central Empower Committee in its meeting that was held on 13.01.2013 has issued guidelines, wherein, it has been stated that licence for new saw mill may be issued only based on the availability of the wood in the area of outside of forest.

8. Having considered the submissions made by the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents, and recording the submission of the learned Additional Government Pleader for the respondents that the respondents will obtain Wood Balance Study Report from the Institute of Wood Science and Technology (IWST), Bangalore and process the application of the petitioner, the respondents are directed to obtain Wood Balance Study Report from the said Institute, within a period of three months from today and process the application within a period of three months thereafter. The entire exercise is expected to be completed with a period of 6 months from today.



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9. In the result, this Writ Petition is disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

11.07.2024

Index: Yes / No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

APD/JEN

Copy To:

- 1.The Chairman,
State Level Empower Committee,
Panagal Building,
Saidapet, Chennai - 600 015.
- 2.The District Forest Officer
Madurai Forest Division,
Madurai.



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C.SARAVANAN, J.

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