

R.Jayapal Vs. the Chairman.

R.Jayapal Vs. the Chairman.

SooperKanoon Citation : sooperkanoon.com/925702

Court : Chennai

Decided On : May-03-2012

Judge : D. Hariparanthaman, J.

Acts : [Constitution of India](#) - Article 226; Tamil Nadu Regulation Wood Based Industries Rules, 2010 ; Tamil Nadu Forest Act, 1982. - Section 26, 35, 63

Appeal No. : W.P.(MD)No.6503 of 2012 and M.P.(MD)No.1 of 2012

Appellant : R.Jayapal

Respondent : The Chairman.

Judgement :

Prayer

Writ Petition filed under Article 226 of the [Constitution of India](#), praying this Court to issue a Writ of Certiorari, calling for the records of the 2nd respondent in his proceedings in the Junior Engineer/ NA/Va/Kovilpatti/Ko.Kattu/A.No.354 dated 25.04.2012 and quash the same.

ORDER

1. The petitioner is running a Saw Mill in the name and style of Sri Jayaguru Saw Mill and Plywoods situated at No.6/2820, B, Madurai Bye-pass Road, Kovilpatti, Tuticorin District.

2. Admittedly, the said mill was established in the year 2006, after the cut off date i.e., 29.10.2002 fixed by the Hon'ble Apex Court, by an order dated 29.10.2002 in T.N.Godavarman Thirumalpad Vs. Union of India and others in I.A.No.566 in W.P.(C).No.202 of 1995, giving certain directions to all the States and Union Territories. The following directions are relevant for the purpose of this case:

No State or Union Territory shall permit any unlicensed saw-mills, veneer, plywood industry to operate and they are directed to close all such unlicensed unit forthwith. No State Government or Union Territory will permit the opening of any saw-mills, veneer or plywood industry without prior permission of the Central Empowered Committee. The Chief Secretary of each State will ensure strict compliance of this direction. There shall also be no relaxation of rules with regard to the grant of licence without previous concurrence of the Central Empowered Committee.

It shall be open to apply to this Court for relaxation and or appropriate modification or orders qua plantations or grant of licences.

3. Since the petitioner's mill was a new one, which was established after 29.10.2002, the same cannot be operated without getting prior permission from the Central Empowered Committee. Admittedly, there is no clearance from the Central Empowered Committee.

4. Further more, the Tamil Nadu Government has framed Rules namely, Tamil Nadu Regulation Wood Based Industries Rules, 2010 (herein after called the Rules) under Section 26 r/w Sections 35 and 63 of Tamil Nadu Forest Act, 1982. As per Rule 3 of the said Rules, no person shall establish or operate any wood based industries including the existing unit, unless a licence is obtained in accordance with these Rules from the District Forest Officer as the licensing authority under these Rules. Therefore, the petitioner shall obtain licence under Rule 4 of the Rules from the District Forest Officer, the licensing officer and also shall get clearance from the Central Empowered Committee for running a saw mill.

5. Since the running of the saw mill, that is established after 29.10.2002 without clearance from the Central Empowered Committee is prohibited by the Hon'ble

Apex Court by the aforesaid order in T.N.Godavarman Thirumalpad's case (cited supra), I do not find any infirmity in the impugned order of the respondent. Hence, the Writ petition fails and the same is dismissed.

6. It is for the petitioner to take appropriate steps for getting licence under the Rules referred to above and also to get clearance from the Central Empowered Committee. It is made clear that the dismissal of the Writ petition could not preclude the Writ petitioner from taking steps to get licence from the District Forest Officer/ Licensing Officer under the Rules referred to above and also from getting permission from the Central Empowered Committee, as per the direction of the Hon'ble Apex Court in T.N.Godavarman Thirumalpad's case (cited supra).

No costs. Consequently, connected M.P.is closed.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com