

N. Mathiyalagan and ors. Vs. the Assistant Executive Engineer

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SooperKanoon Citation : sooperkanoon.com/926890

Court : Chennai

Decided On : Apr-27-2012

Judge : R.Sudhakar, J.

Acts : [Constitution of India](#) - Articles 226

Appeal No. : Writ Petition Nos.12658 to 12660 of 2012 and M.P.Nos.1 of 2012

Appellant : N. Mathiyalagan and ors.

Respondent : The Assistant Executive Engineer

Advocate for Def. : Mr.S.K. Rameshwar, Adv

Advocate for Pet/Ap. : Mr.B. Dhanasekaran, Adv

Judgement :

Writ Petitions are filed under Article 226 of the [Constitution of India](#) praying to issue a Writ of Mandamus forbearing the first respondent from disconnecting the service connection in SC No.1202/TF IIIB at Mettur Main Road, Mocheri, SC No.299/TF IIIB at DP No.13/3 SIDCO Industrial Estate, Mettur and SC No. 129/TF IIIB at Eragundapatti Post, Mocheri respectively.

COMMON ORDER

1. Writ Petitions are filed praying to issue a Writ of Mandamus forbearing the first respondent from disconnecting the service connection in SC No.1202/TF IIIB at

Mettur Main Road, Mocheri, SC No.299/TF IIIB at DP No.13/3 SIDCO Industrial Estate, Mettur and SC No. 129/TF IIIB at Eragundapatti Post, Mocheri respectively.

2. Mr. .S.K. Rameshwar, learned counsel takes notice on behalf of the first respondent and Mr. M.S. Subramanian, Special Government Pleader takes notice on behalf of the second respondent. By consent the writ petition is taken up for final disposal.

3. Petitioners have made separate application dated 24.4.2012 requesting not to disconnect the power supply to the petitioners' sawmill. He also relies upon the recommendation of the Forest Ranger, who states that the applications made by the petitioner in all the three cases have been forwarded to the Central Empower Committee constituted in accordance with the direction of the Hon'ble Supreme Court and his recommendation letters in two cases in Na.Ka.No.78/2012, 128/2012 and dated 21.4.2012 are available in the typeset of papers. Since the approval has not been granted, the impugned notices have been issued for disconnection of the power supply.

4. In similar circumstances, it has been clearly held by this Court that unless and until the approval is granted by the Central Empower Committee and the licence is granted in accordance with the Tamil Nadu Regulation of Wood Based Industries Rules, 2010 the petitioners have no right to run the Sawmill and this become necessary in view of the specific order passed by the Supreme Court in W.P.(C)No.202/1995 dated 12.12.1996 and the orders passed thereon from time to time, more particularly, the order dated 30.10.2002 in I.A.No.566/2000 in W.P.(C)No.202/95.

5. In such view of the matter, the second respondent is directed to pursue the matter with the Central Empower Committee and decide the claim of the petitioner in all these writ petitions for granting licence expeditiously, preferably within a period of six weeks from the date of receipt of a copy of this order.

6. These Writ Petitions are disposed of as above. No costs. Consequently, connected miscellaneous petitions are closed.

