

K.Gunasekaran. Vs. the Additional Principal

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Court : Chennai

Decided On : Apr-25-2012

Judge : R.Sudhakar, J.

Acts : Tamilnadu Regulation of wood based Industries Rules 2010 ; [Constitution of India](#) - Articles 226

Appeal No. : Writ Petition No.12005 of 2012 and M.P.Nos.1 and 2 of 2012

Appellant : K.Gunasekaran

Respondent : The Additional Principal

Advocate for Def. : Mr.M.K.Subramanian, Adv

Advocate for Pet/Ap. : Mr.K.Sathish, Adv.

Judgement :

Writ Petition is filed under Article 226 of the [Constitution of India](#) praying to issue a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent in Letter No.2 Po/E.Pa/Pettai/Ko.Thani.A.No.007/12 dated 18.4.2012 and quash the same and consequently forbear the respondents in any way insisting for licence from the respondent Forest Department for providing Electricity connection in M.E.No.1046 and other amenities for running the petitioner's sawmill until the disposal of the petitioner's application dated 21.4.2010 for grant of Licence is made under the provisions of Tamilnadu Regulation of Wood Based Industries

Rules, 2010 and relevant laws.

ORDER

1. Writ Petition is filed praying to issue a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent in Letter No.2 Po/E.Pa/Pettai/Ko.Thani.A.No.007/12 dated 18.4.2012 and quash the same and consequently forbear the respondents in any way insisting for licence from the respondent Forest Department for providing Electricity connection in M.E.No.1046 and other amenities for running the petitioner's sawmill until the disposal of the petitioner's application dated 21.4.2010 for grant of Licence is made under the provisions of Tamilnadu Regulation of Wood Based Industries Rules, 2010 and relevant laws.

2. Mr.M.K.Subramanian, learned Special Government Pleader (Forests) takes notice on behalf of the respondents 1 to 3. Mr.S.K.Rameshwar, learned counsel takes notice on behalf of the fourth respondent. By consent the writ petition is taken up for final disposal.

3. Petitioner states that on 21.04.2010 he made an application for grant of licence under the provision of Tamil Nadu Regulation of Wood Based Industries Rules 2010, along with requisite documents to the second respondent District Forest Officer. Thereafter, the fourth respondent issued the impugned order dated 18.4.2012 calling upon the petitioner to produce the licence obtained from the District Forest Officer within a period of seven days, failing which the electricity connection will be disconnected. So far no order has been passed by the second respondent, which resulted in passing of the present notice calling upon the petitioner to submit the licence to the fourth respondent. Challenging the same, the writ petition is filed.

4. On perusal of the typeset of papers filed along with the writ petition, the application dated 21.4.2010 is not available. Further this petition is filed only by K.Gunasekaran on individual capacity and not by representing the Sawmill. The name of Sawmill is also not known. Hence, the petitioner is directed to submit proper application to the authority representing the Sawmill.

5. In such circumstances, as rightly pointed out by Mr.M.K.Subramanian, learned Special Government Pleader (Forests), the petitioner is directed to submit proper application to the second respondent as above and on receipt of the same, the second respondent District Forest Officer will consider the application only after getting approval of the Central Empowered Committee constituted in terms of the order of the Hon'ble Apex Court and till such time, the petitioner should not run the Sawmill. In view of the above said position, the petitioner is directed to pursue the matter with the second respondent District Forest Officer for getting the clearance from the Central Empowered Committee and submit the same to the fourth respondent. The respondents 2 and 3 are directed to take necessary steps to get the approval from the Central Empowered Committee. The petitioner has to pursue the matter before the Central Empowered Committee diligently and taking note of the statement made by Mr.M.K.Subramanian, learned Special Government Pleader (Forests) that more than 3000 approvals have been granted by the Central Empowered Committee.

6. The Writ Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

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