

Nilgiris Timbers. Vs. the Additional Principal Conservator

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Court : Chennai

Decided On : Apr-17-2012

Judge : R.Sudhakar, J.

Acts : [Constitution of India](#) - Articles 226; Tamil Nadu Regulation of Wood Based Industries Rules, 2010

Appeal No. : Writ Petition No.10044 of 2012 and M.P.Nos.1 to 3 of 2012

Appellant : Nilgiris Timbers

Respondent : The Additional Principal Conservator

Advocate for Def. : Mr.Balaji, Adv.

Advocate for Pet/Ap. : Mr.R.V.Babu, Adv.

Judgement :

Writ Petition is filed under Article 226 of the [Constitution of India](#) praying to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent in Na.Ka.No.355/2011 dated 15.3.2012 and to quash the same as illegal and consequently to direct the respondents 1 and 2 to dispose of the petitioner's application dated 15.2.2010 for renewing the petitioner's license for running Sawmill as per the provisions of the Tamil Nadu Regulation of Wood Based Industries Rules, 2010 within a stipulated time.

ORDER

1. Writ Petition is filed praying to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent in Na.Ka.No.355/2011 dated 15.3.2012 and to quash the same as illegal and consequently to direct the respondents 1 and 2 to dispose of the petitioner's application dated 15.2.2010 for renewing the petitioner's license for running Sawmill as per the provisions of the Tamil Nadu Regulation of Wood Based Industries Rules, 2010 within a stipulated time.
2. Mr.Balaji, learned counsel takes notice on behalf of the respondents. By consent the writ petition is taken up for final disposal.
3. Petitioner has made an application dated 15.2.2010 for grant of licence to run the Sawmill as required under the Tamil Nadu Regulation of Wood Based Industries Rules, 2010 to the second respondent District Forest Officer. He also relies upon the recommendation of the third respondent Forest Ranger who states that the application of the petitioner has been forwarded to the Central Empower Committee constituted in accordance with the direction of the Hon'ble Supreme Court and his recommendation letter Na.Ka.No.323/2011 dated 17.11.2011 is available in the typeset of papers at page No.10. Since the approval has not been granted, the impugned order has been passed on 15.3.2012 to close the industries. This is under challenge.
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 petitioner cannot 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 respondents 2 and 3 are directed to pursue the matter with the Central Empower Committee and decide the claim of the petitioner for granting licence expeditiously, preferably within a period of six weeks from the

date of receipt of a copy of this order.

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

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