
(2012) 09 MAD CK 0171

In the Madras High Court

Case No : Writ Petition (MD) No. 12098 of 2012 and M.P. (MD) No's. 1 and 2 of 2012

Aalama Wood Works

APPELLANT

Vs

The Junior Engineer, Distribution, TANGEDCO, (Tamil Nadu Electricity Board), Kelakrishnan Pudur, Kanyakumari District, The Member Secretary, Central Empowered Committee, Gate No. 31, Jawaharlal Nehru Stadium, Lodhi Road, New Delhi - 110003, The District Forest Officer, Vadasery, Kanyakumari District, Nagercoil and The General Manager, District Industries Centre, Nagercoil

RESPONDENT

Date of Decision : 12-09-2012

Acts Referred:

Citation : (2012) 09 MAD CK 0171

Hon'ble Judges : R. Sudhakar, J

Bench : Single Bench

Advocate : C.T. Perumal, for the Appellant; A.U. Ramanathan for R. 1, Mr. K.K. Senthilvelan, Assistant Solicitor General of India for R. 2, Mr. M. Alagathevan, Special Govt. Pleader for R. 3 and Mr. K.P. Krishnadass, Govt. Advocate for R. 4, for the Respondent

Judgement

Honourable Mr. Justice R. Sudhakar

1. This writ petition has been filed to issue a writ of Certiorarified Mandamus to quash the notice by the first respondent vide

292/12 dated 04.09.2012 and consequently, direct the second respondent to issue licence for Aalama Wood Works at 36/13, Ramapuram, Manikatti Pottal, Kanyakumari District. Heard Mr. C.T. Perumal, learned Counsel for the petitioner, Mr. A.U. Ramanathan, learned Counsel who takes notice for the first respondent, Mr. K.K. Senthilvelan, learned Assistant Solicitor General of India who takes notice for the second respondent, Mr. M. Alagathevan, learned Special Government Pleader who takes notice for the third respondent and Mr. K.P. krishnadass, learned Government Advocate who takes notice for the fourth

respondent.

2. By consent, the writ petition itself is taken up for final disposal.

3. This writ petition has been filed to quash the order of the Electricity Board directing the petitioner to get permission to run the Saw Mill, from the second respondent under the Tamil Nadu Regulation Wood Based Industries Rules, 2010 and the Central Empowered Committee constituted by the Honourable Supreme Court, failing which the electricity service connection will be disconnected.

4. Similar issue was considered by me in Sri Amman Saw Mill, represented by its Proprietor, V. Rangaraj, Coimbatore District and others v. Forest Range Officer, Karamadai and others reported in 2012 (5) MLJ 969. The decision in the said case is squarely applicable to the present case on hand and the relevant portions read as follows:

22. In view of the directions of the Hon"ble Apex Court order dated 29.10.2002, it is clear that the Saw Mills, Veneer, Plywood Industries cannot operate without the licence issued by the competent authority and therefore, the petitioners cannot make a plea for issuing an order to restrain the electricity board from disconnecting the power supply or for a direction to continue the industries without a licence issued by the competent authority.

23. In such view of the matter, unless and until the licence is issued after complying with the formalities as required under the rules and the direction of the Supreme Court, no right will accrue to the petitioners to run the industries, which admittedly, are unauthorised. Many of the industries have expressed their grievance before this Court that they have made applications to the competent authority for grant of licence and in many cases their applications have been considered, processed and forwarded to the State Level Committee for scrutiny and for further consideration by the Central Empowered Committee for its approval, but no orders are passed. The inordinate delay is causing prejudice. It is further contended that since the recommendations of the District Forest Officer/competent authority has already been given, they should be allowed to run the industries. This relief apparently cannot be given in view of the specific direction issued by the Hon"ble Apex Court that no State or Union Territory shall permit any unlicensed saw-mills, veneer, plywood industry to operate without proper licence and also in view of the direction to close the unlicensed units forthwith.

24. On the contrary, in view of the Tamil Nadu Regularisation of Wood based Industries Rules 2010, if the individual industries viz., Saw-mills have made an application and if such application is in proper order, the competent authority is bound to forward the same to the State Level Committee and the State Level Committee shall after scrutiny, shall place the same before the Central Empowered Committee for concurrence. It is only thereafter that the licence can be issued by the competent authority. The respondents have in their counter stated that a large number of licences have been issued after concurrence of the Central Empowered Committee. They also state the reason for the time taken to

process the application. Considering the provisions of the Tamil Nadu Regularisation of Wood based Industries Rules 2010 and the order of the Apex Court not to permit unlicensed wood based industries, the petitioners cannot insist for electricity or an order of court to run the industry pending consideration of their claim. This will be contrary to the order passed by the Apex Court. The learned counsel for the petitioners pleaded that the application may be directed to be considered at an early date pleading that their livelihood is very much affected. In this regard some indulgence can be shown, however, within the four corners of law.

25. In view of the above, the District Forest Officers concerned are directed to verify the individual applications and if the applications are in order, the same shall be forwarded to the State Level Committee forthwith and the State Level Committee is directed to scrutinise and place the same before the Central Empowered Committee at the earliest for its consideration, (i.e.) without undue delay. This will ensure that the applications are considered as early as possible and assuage the grievance of the individuals that their right to livelihood is being affected for non consideration of the applications in time. It is, however, made clear that till such time the license is issued by the competent authority after following the procedure as applicable, the petitioners in each one of the case cannot claim as a matter of right to run the industry or for grant of electricity power supply.

26. In some cases, it is represented that the applications have been returned for certain defects. It is open to the individual saw mills, veneers, plywood industries to resubmit the applications in proper format with requisite fee to the appropriate authority, who shall thereafter scrutinise it and forward the same to the Empowered Committee for its approval in the manner stated above without undue delay. The Court requests the competent authority to consider the individual application on merits expeditiously to avoid the spate of writ petitions that are being filed.

27. These writ petitions are disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

In such view of the matter, this writ petition is ordered in the above terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.