
(2014) 05 MAD CK 0024

In the Madras High Court

Case No : W.P. No. 13184 of 2014 and M.P. Nos. 1, 2 and 3 of 2014

R. Anitha

APPELLANT

Vs

The District Collector and Others

RESPONDENT

Date of Decision : 08-05-2014

Acts Referred:

Citation : (2014) 05 MAD CK 0024

Hon'ble Judges : R. Sudhakar, J

Bench : Single Bench

Final Decision : Disposed Off

Judgement

R. Sudhakar, J.—Mr. A Kumar , learned Spl. Government Pleader takes notice for the 1st respondent, Mr. M.K. Subramanian , learned Spl. Government Pleader (Forests) takes notice for respondents 2 to 5 and Mr. G. Vasudevan , learned standing counsel for Tamil Nadu Electricity Board takes notice for respondents 6 and 7.

2. The writ petitioner claims to be running a saw mill for the last thirty years. The service connection was originally granted in favour of the father-in-law of the petitioner (since deceased). The impugned order has been passed by the 7th respondent Assistant Engineer, calling upon the petitioner to produce "No Objection Certificate" from the Central Empowered Committee within 7 days failing which the electricity service connection will be disconnected. Aggrieved against the said impugned order, the present writ petition has been filed.

3. I have had occasion to consider similar plea in a batch of writ petitions in W.P. Nos.12861 of 2012, etc. Batch (Amman Saw Mill Vs. Forest Range Officer, Karamadai), which order, on appeal has been confirmed by a Division Bench of this Court in W.A. No.1706 of 2012, etc. Batch (Senthil Kumar & Ors. - Vs - The Junior Engineer, Operation & Maintenance, Tamil Nadu Electricity Board and Ors.), wherein the Division Bench held as under:-

14. The learned single Judge rightly observed that in view of the directions of the

Hon"ble Apex Court in the aforesaid order, it is clear that the Saw Mills, Veneer, Plywood Industries cannot operate without the licence issued by the competent authority and therefore, the appellants 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. It was accordingly held that 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 appellants to run the industries, which admittedly, are unauthorised.

15. The grievance of the appellants is that they had made applications to the competent authority for grant of licence and in many cases, their applications had 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 were passed and the inordinate delay was causing prejudice. It was also contended that since the recommendations of the District Forest Officer/competent authority had already been given, they should be allowed to run the industries. The learned single Judge rightly observed that the relief sought for by the appellants cannot be issued in view of the specific direction issued by the Supreme 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.

16. Before the learned single Judge, the respondents had stated the reason for the time taken to process the applications. The learned single Judge held that in view of the above, the appellants cannot insist for electricity or an order of the Court to run the industry pending consideration of their claim, which will be contrary to the order passed by the Apex Court. However, in view of the plea of the learned counsel for the appellants/writ petitioners that the applications may be directed to be considered at an early date since their livelihood is very much affected, the learned single Judge directed the District Forest Officers concerned to verify the applications, which if were found in order, were directed to be forwarded to the State Level Committee, which in turn shall scrutinise and place the same before the Central Empowered Committee at the earliest for its consideration, without any delay. This will ensure that the applications are considered as early as possible and assuage the grievance of the appellants that their right to livelihood is being affected for non consideration of the applications in time. However, the learned single Judge made it amply clear that till such time the license is issued by the competent authority after following the procedure as applicable, the appellants/writ petitioners cannot claim as a matter of right to run the industry or for grant of electricity power supply. The learned single Judge further directed that in cases where the applications had been returned for certain defects, they could be re-submitted 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 for consideration and expeditious orders.

4. In view of the above, this petition is disposed of and there will be an order in terms of the order passed by the Division Bench in Senthil Kumar's case (supra). Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.