



WEB COPY

WP No. 49646 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 49646 of 2025
and W.M.P.No.3691 of 2026**

S.Murugasamy

..Petitioner(s)

Vs

1. The Secretary,
Environment Climate Change And Forest
Department, Secretariate, Chennai-600 009.
2. The Principal Chief Conservator of Forest,
Forest Headquarters Building, Guindy,
Chennai-600 032.
3. The District Collector,
Dharmapuri District, Dharmapuri.
4. The Forest Settlement Officer
Krishnagiri.
5. The District Forest Officer,
Dharmapuri District, Dharmapuri.
6. The Forest Range Officer,
Government Servant And Public Servant,
Dharmapuri Forest Range, Dharmapuri
District, Dharmapuri.

..Respondent(s)



Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 3 to 6 to grant pathway rights to enable the petitioner to access his patta land in Survey No.24/2 to an extent of 0.72 cents situated in Nallampalli Taluk, Dharmapuri District, before declaring the land in Survey No.1, to an extent of 198.884.50 Hectares as forest land under Section 16 of the Tamil Nadu Forest Act, 1882.

For Petitioner(s): M/s.K.Krishnan

For Respondent(s): Mr.M.Sivavarthanan,
Government Counsel

ORDER

The present Writ Petition has been filed seeking a direction to the respondents 3 to 6 to grant pathway rights to enable the petitioner to access his patta land in Survey No.24/2 to an extent of 0.72 cents situated in Nallampalli Taluk, Dharmapuri District, before declaring the land in Survey No.1, to an extent of 198.884.50 Hectares as forest land under Section 16 of the Tamil Nadu Forest Act, 1882.

2. It is the case of the petitioner that he is the absolute owner of the land in Survey No.24/2 measuring to an extent of 0.29.0 hectares (0.72 cents) situated at Nagarkudal Village, Nallampalli Taluk, dharmapuri District having purchased through a sale deed dated 25.09.2013 registered as Doc.No.3023/2013. Since, the petitioner has no access to his patta land, he submitted representations on 07.02.2014, 13.10.2013 & 20.06.2018 to the 4th



respondent and another representation to the 5th respondent on 18.07.2024 requesting for grant of pathway rights to access his patta land through the existing pathway in Survey No.1 which has been used by the petitioner as well as his vendor as a pathway for more than 40 years. However, till date, no orders have been passed on the said representation. Hence, the present Writ Petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submitted that it would suffice if this Court issues a direction to the respondents to consider the petitioner's representation and pass appropriate orders on the same in accordance with law within the time as may be stipulated by this Court.

4. Per Contra, learned Government Counsel appearing for the respondents submitted that the lands in survey no.1 have been classified as Hill Poramboke and that proceedings have been initiated under Sections 4 and 6 of the Tamil Nadu Forest Act, 1882 for declaration of the said lands as reserve forest. He further submitted that the petitioner purchased the property only in 2013 and therefore, he has no *locus standii* to question the proceedings relating to reservation of forest lands. It is further submitted that the petitioner has alternative access routes to reach his patta land without passing through the forest land. Hence, the petitioner cannot seek access through forest route merely for his convenience. Therefore, the claim of the petitioner cannot be acceded to.

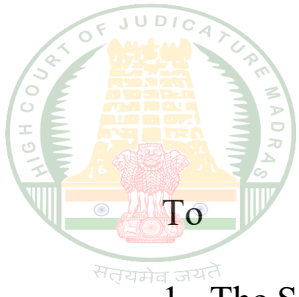


5. Though it is the stand of the respondents that proceedings have been initiated in respect of the lands through which the petitioner seeks access to his patta lands, for declaring the lands as forest lands, however, considering the fact that no orders have been passed on the said representation, this Court cannot enter into the contentions raised by the parties in a case where a direction has been sought for passing orders on the representation. In such view of the matter, this Court without expressing any opinion on the merits of the case directs the petitioner to submit a copy of the representation to the 4th respondent within a period of one week from the date of receipt of a copy of this order. Upon receipt of such representation, the 4th respondent is directed to consider the petitioner's representation and pass appropriate orders on the same within a period of six (6) weeks thereafter after affording an opportunity of personal hearing to the petitioner and any other interested parties.

6. The Writ Petition stands disposed of with the aforesaid direction. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

24-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
NHS



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M.DHANDAPANI, J.

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