

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.4590 of 2015

Vasanthi Nelson rep by her
power of Attorney Holder, K.A.Sukumaran ... Petitioner

vs.

1. State of Tamilnadu,
Rep by its Secretary,
Environment and Forest Department
Secretariat, Chennai-9
2. The District Collector,
Udhagamandalam(Ooty)-643 001,
Nilgiris District, Tamil Nadu.
3. The District Committee,
Constituted under section 2A of
Tamil Nadu preservation of Private
Forest Act 1949
Rep by its District Collector,
Nilgiris, Tamil Nadu ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus, directing the respondent Nos.2 and 3 to consider effectively in exercise of the statutory powers under the Tamilnadu Preservation of Private Forest Act 1949 and the rules thereunder and allow the application dated 23.01.2008 made by the petitioner.

For Petitioner : Mr.Moly B.V.
For Respondents : Mr.N.Enbanathan
Govt. Advocate - for R1

Mr.V.Subbiah,
Spl. Govt. Pleader - for R2 & R3

ORDER

The above writ petition has been filed by the petitioner to issue a Writ of Mandamus, directing the respondents 2 and 3 to consider effectively in exercise of the statutory powers under the Tamil Nadu Preservation of Private Forest Act 1949 and the rules thereunder and allow the application dated 23.01.2008 made by him.

2. It is the case of the petitioner that on 23.1.2008, he made an application before the second respondent to accord permission to sell the land under section 3(1)(a) of the Tamil Nadu Preservation of Private Forest Act 1949. According to the petitioner, though the petitioner made an application on 23.01.2008, the respondents 2 and 3 have not considered the same yet.

3. Mr. V.Subbiah, learned Special Government Pleader appearing for the respondents 2 and 3 submitted that the respondents 2 and 3 may be directed to dispose of the application dated 23.01.2008, given by the petitioner, on merits and in accordance with law, within a stipulated time.

4. Having regard to the submissions made by the learned counsel on either side and also taking into consideration the limited prayer sought for in the writ petition, without expressing any opinion with regard to the merits of the case, I direct the respondents 2 and 3 to consider the petitioner's application dated 23.01.2008 and dispose of the same on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

With this observation, the writ petition is disposed of. However, there shall be no order as to costs.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

Rj

To

1. The Secretary,
Environment and Forest Department
Secretariat, Chennai-9
2. The District Collector,
Udhagamandalam(Ooty)-643 001,
Nilgiris District, Tamil Nadu.

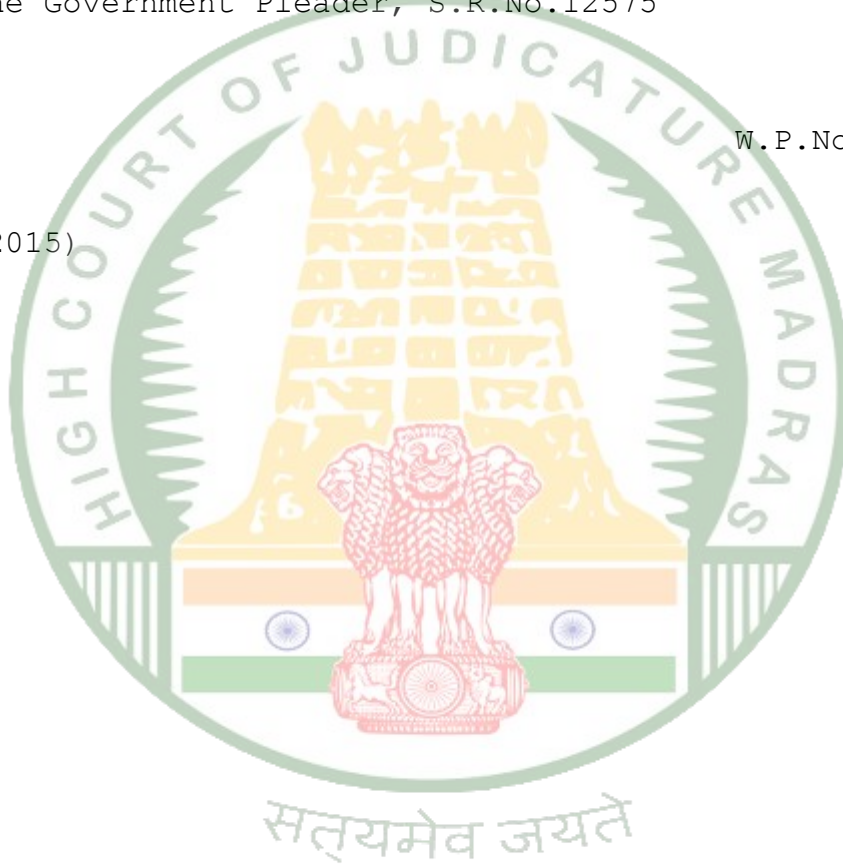
3. The District Collector,
The District Committee,
Constituted under section 2A of
Tamil Nadu preservation of Private
Forest Act 1949
Nilgiris, Tamil Nadu

+1cc to M/s.D.Durairaj, Advocate, S.R.No.12198

+1cc to the Government Pleader, S.R.No.12575

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PA(CO)
CA(10/03/2015)



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