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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

AND

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.11569 of 2011

Papanasam

... Petitioner

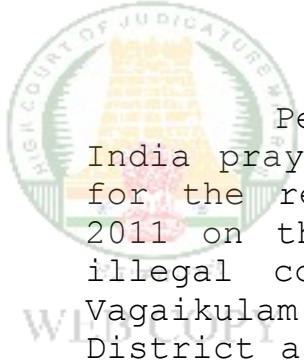
Vs.

- 1.The State of Tamil Nadu
rep.by the Principal Secretary,
Forest and Environment Department,
Government of Tamil Nadu
Fort St.George, Chennai.
- 2.The Chief Conservator of Forest
Office of the Chief Conservator of Forest
Chennai.
- 3.The Conservator of forest,
Social Forestry
Tirunelveli District.
- 4.The Divisional Forest Officer,
Social forestry
Office of the Divisional Forest Officer,
Tirunelveli District.
- 5.The District Collector,
Office of the District Collector,
Tirunelveli District.
- 6.The Block Development Officer,
Kadayam Panchayat Union,
O/o.Block Development Officer,
Tirunelveli District.
- 7.The Panchayat President
Veerasamuthiram Village Panchayat
Ambasamuthuram Taluk,
Tirunelveli District.
- 8.The Panchayat President,
Manthiyur Village Panchayat
Ambaramuthiram Taluk,
Tirunelveli District.

<https://hcservices.gov.in/>

9.K.C.J.Jerald

... Respondents



Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records connected with Na.Ka.No.5697/07-KU dated 30-09-2011 on the file of the Respondent No.4 and quash the same as illegal consequently directing the Respondent No.1 to declare Vagaikulam Kanmai situated in Kadayam Panchayat Union, Tirunelveli District as Community reserve under section 36 - C(1) of the Wild Life (Protection) Act 1972 and constitute Community Reserve Management Committee under section 36-D (1) of the Wild Life (Protection) Act 1972 within the time stipulated by this Hon'ble Court.

For Petitioner	: Mr.R.Alagumani
For RR - 1 to 5	: Mr.M.Govindan
	Special Govt. Pleader
For RR - 7 & 8	: Mr.R.Pandimaharaja
For R - 9	: Mr.H.Arumugam
For R - 6	: No appearance

ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

This writ petition has been filed to quash the proceedings of the fourth respondent dated 30.09.2011, granting extension of time to the ninth respondent to cut acacia trees in the Vagaikulam Kanmai.

2.Initially, interim stay was granted by this Court on 11.02.2014.

3.The learned Special Government Pleader states that the ninth respondent is the successful bidder to cut the trees in the said Kanmai. In fact, he already cut some trees. This fact is disputed by the learned counsel appearing for the ninth respondent, saying that he did not cut the trees subsequent to the interim order passed by this Court.

4.Be that as it may, the grievance of the petitioner is that the trees in and around the said Kanmai are the haven of birds and therefore, it should be preserved. Taking note of the nature of relief, that is, to preserve and protect the wildlife, especially, birds, we passed interim order.

5.The fourth respondent, Divisional Forest Officer has filed a counter affidavit stating that 75% of the trees have already been cut. This is the issue on fact. We do not express any more. However, since the ninth respondent states that he does not want to pursue cutting of trees and the Forest Department is also not inclined to pursue the matter for cutting balance trees, the proceedings under challenge, granting extension of time is set aside. However, liberty is given to the ninth respondent to work out his claim or remedy in relation to auction in accordance with law.



6.This writ petition is allowed to the said extent. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AE)

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/True Copy/

Sub Assistant Registrar.

-To

- 1.The Principal Secretary,
State of Tamil Nadu
Forest and Environment Department,
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Office of the Chief Conservator of Forest, Chennai.
 - 3.The Conservator of forest,
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Social forestry,
Office of the Divisional Forest Officer,Tirunelveli District.
 - 5.The District Collector, Office of the District Collector,
Tirunelveli District.
 - 6.The Block Development Officer,
Kadayam Panchayat Union, O/o.Block Development Officer,
Tirunelveli District.
 - 7.The Panchayat President
Veerasamuthiram Village Panchayat
Ambasamuthuram Taluk, Tirunelveli District.
 - 8.The Panchayat President, Manthiyur Village Panchayat
Ambaramuthiram Taluk, Tirunelveli District.
- +One cc to Mr.A.Alagumani, Advocate, SR.No.61278
+One cc to Mr.H.Arumugam, Advocate ,SR.No.61184
+One cc to The Special Government Pleader, SR.No.61672
+One cc to Mr.R.Mohamed Rajpudeen, Advocate, SR.No.61241

mj

RL/ARK/12c - 6/11/2015

W.P.(MD)No.11569 of 2011