

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.32425 of 2013
and M.P.No.1 of 2013

S.Kuppusamy

.. Petitioner

-vs-

- 1.The Director General (RD) & SS
Govt. of India, Ministry of Road
Transport and Highway,
1,Parliament Street, Transport Bhavan,
New Delhi 110 001.
- 2.The Regional Officer,
M/o.Road Transport & Highways,
C-Wing, A-Block, Rajaji Bhawan,
Besant Nagar, Chennai 600 090.
- 3.The Chairman,
Hindustan Petroleum Corporation Limited,
17, Jamshedji Tata Road,
Mumbai 400 020.
- 4.The Senior Regional Manager,
Hindustan Petroleum Corporation Limited,
HP House, No.18/3, Big Bazaar Street,
Coimbatore 641 001.
- 5.The Principal Chief Conservator of Forests,
(Forest Administration), Dept. of
Forests, No.1, Genis Road,
Panagal Maaligai, Saidapet,
Chennai 600 015.
- 6.The District Forest Officer,
District Forest Office,
Erode Road, Sathyamangalam,
Erode District 638 402.

7.R.Palanichamy

(R-7 impleaded as per order of
Court dt.30.06.2016 in MP.1/2014)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st and 2nd respondents not to give any permission to anybody to form an approach road in the reserved forest to have an access to the Hindustan Petroleum Corporation Limited retail outlet situated at Km.238/651-238/691 (LHS) in NH-209 in S.F.No.232/1A of the Village Rajan Nagar, Sathyamangalam Taluk, Erode District.

For Petitioner : No appearance

For Respondents : Mr.Su.Srinivasan
Asst. Solicitor General, for RR 1&2
: Mr.O.R.Santhakrishnan for RR 3&4
: Mr.M.K.Subramanian,
Spl.G.P. For RR 5 & 6
: Mr.S.Kamadevan for R-7

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O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner alleges that an approach road is being built in the reserved forest area for access of the retail outlet of Hindustan Petroleum Corporation Limited at Km.238/651-238/691 (LHS) in NH-209 in S.F.No.232/1A of the Village Rajan Nagar, Sathyamangalam Taluk, Erode District.

2.None appears for the petitioner.

3.Learned counsel for the parties point out that multi endeavours had been made by filing different legal proceedings in different names qua the same issue. In this behalf our attention is drawn to W.P.No.32954 of 2012 filed by one M.D.Thangavel, albeit through the same counsel as in the present case. The Division Bench recorded in the order that the petitioner therein had earlier filed Writ Petition No.18417 of 2012 seeking directions, which was disposed of on 20.07.2012 recording the stand of the Government that no objection certificate had been issued. After recording further details, the writ petition was found to be an abuse of process of Court and dismissed with costs of Rs.10,000/- to the Tamil Nadu State Legal Services Authority to be deposited within two (2) weeks, failing which it would be open to the Member Secretary to recover the said amount. As to whether the said amount had been recovered or not is not known.

4.In the typed set of documents, the order of National Green Tribunal dated 30.11.2015 has also been placed before us regarding the same land closing the proceedings.

5.Learned Special Government Pleader appearing for respondent nos.5 and 6 points out that the tank is located on patta land and not on the forest land.

6.We strongly deprecate the endeavour to file numerous petitions on the same cause of action under the one name or the other and thus, dismiss this writ petition also with the costs of Rs.10,000/- (Rupees ten thousand only) payable by the petitioner to the Tamil Nadu State Legal Services Authority. Consequently, M.P.No.1 of 2013 also stands dismissed.

7.The Member Secretary of the Tamil Nadu State Legal Services Authority to report as to whether the recovery process as envisaged by order dated 26.06.2013 in W.P.No.32954 of 2012 is over and also to recover the present costs in the same manner.

8.A report in this behalf be placed on the administrative side within one (1) month.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sra

To

1.The Director General (RD) & SS
Govt. of India, Ministry of Road
Transport and Highway,
1,Parliament Street, Transport Bhavan,
New Delhi 110 001.

2.The Regional Officer,
M/o.Road Transport & Highways,
C-Wing, A-Block, Rajaji Bhawan,
Besant Nagar, Chennai 600 090.

3.The Principal Chief Conservator of Forests,
(Forest Administration), Dept. of
Forests, No.1, Genis Road,
Panagal Maaligai, Saidapet,
Chennai 600 015.

4.The District Forest Officer,
District Forest Office,
Erode Road, Sathyamangalam,
Erode District 638 402.

5.The Principal Chief Conservator of forests
(forest Administration and Department of forest
No.1 Genis Road, Panagal Maaligai
Saidapet, Chennai-15

6.The District Forest officer
District forest office
Erode Road, Sathyamangalam
Erode District 638 402

7.The Member Secretary
State legal Service Authority
Tamil Nadu

+1 cc to Mr.S.Kamadevan Advocate sr.37004
+1 cc to Su.Srinivasan Advocates sr.37057
+1 cc to O.R.Santhanakrishnan Advocate sr.37011
+1 cc to special government Pleade forest sr.37477
+1 cc to Mr.R.Ravichandran Advocate sr.31359
+1 cc to Government Pleader sr.34573

W.P.No.32425 of 2013

aa26/07/2016

सत्यमेव जयते

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