

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2016

C O R A M

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.8460 of 2016

A.M.Xavier

[PETITIONER]

Vs

The District Forest Officer
Nilgiris South Division
Udhagamandalam.

[RESPONDENT]

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondent to conduct the auction sale for the items namely firewood and wattle bark in respect of the forest area in the Nilgiris South Division as announced the earlier in Ref. No. 5272/ 2015/ L on 25.1.2016 and 15.2.2015 at an earlier date as fixed by this Honourable Court based upon the representation of the petitioner dated 3.3.2016.

For Petitioner ... Mr.R.Bharanidharan

For respondent ... Mr.M.K.Subramanian
Special Govt.Pleader

Asstd.Mr.N.Inbanathan,
Govt.Advocate

O R D E R

Heard Mr.R.Bharanidharan, learned counsel for the petitioner, and Mr.M.K.Subramanian, learned Special Government Pleader accepting notice for the respondenr, assisted by Mr.N.Inbanathan, learned Government Advocate and with the consent of the learned counsel appearing on either side, the writ petition is taken up for final disposal, at the admission stage itself.

2.The petitioner has filed this Writ Petition to direct the respondent to conduct auction sale for the firewood and wattle bark in respect of the forest area in Nilgiris South Division as

announced earlier by Notifications dated 25.01.2016 and 15.02.2016.

3.The petitioner's case is that though twice auction sale notifications were issued and for no valid reason, the same were stopped and till date the auction has not been conducted. It is submitted that the Tea Factories and other Industries in the area require the aforesaid woods for their production purposes and the respondent without any justification has failed to conduct the auction for sale of those items.

4.In this regard, the petitioner has submitted a representation dated 03.03.2016 to the respondent and immediately has approached this Court by filing this Writ Petition. The petitioner ought to have given reasonable time to the respondent to consider the representation and should not have approached this Court, within less than five days. That apart, there is no proof to show that the representation has been received by the respondent, as no acknowledgment card has been produced by the petitioner.

5.Mr.K.Subramanian, learned Special Government Pleader appearing for the respondent submitted that the respondent may be directed to consider the petitioner's request.

6.In the light of the above, while declining to grant any positive direction as sought for by the petitioner, liberty is granted to the petitioner to submit a fresh representation along with copy of this order and the copy of the earlier representation, within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the respondent shall take action in accordance with law and if there is no other legal impediment, proceed to conduct the auction in the manner stipulated under the Statute.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

rpa

To

The District Forest Officer
Nilgiris South Division
Udhagamandalam.

+1 cc to Mr.R.Karthikeyan, Advocate, sr.14610
+1 cc to Special Government Pelader, sr.14593

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