



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.02.2016

CORAM

THE HONOURBLE **MR. JUSTICE B. RAJENDRAN**

W.P (MD) .No.10957 of 2014

A.Ravi

... Petitioner

Vs.

1. The State of Tamil Nadu
represented by its Secretary,
Department of Forest and Environment,
Fort St. George,
Chennai 600 009.
2. The Principal Chief Conservator of Forest,
Panagal Buildings,
Saidapet,
Chennai 600 015.
3. The District Collector,
Dindigul District,
Dindigul.
4. The District Forest Officer,
District Forest Office,
Dindigul.
5. The Forest Settlement Officer,
Dindigul,
Dindigul District.
6. The Forest Range Officer,
Sirumalai Forest Division,
District Forest Office Campus,
Dindigul.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to survey the "Toppampatti to Sirumalai pathway through Tholkad" and restore the above pathway as per the Gazette Publication No.3 in the Fort St. George Gazette dated 23.01.1900 and consequently permit the petitioner to use the above pathway for accessing his land situated in survey No.103, Toppampatti Village, Aathur Taluk, Dindigul District based on the petitioner's representation dated 18.12.2013 and 28.05.2014 within the time limit that may be stipulated by this Court.



For petitioner : Mr.N.Satheesh Kumar
For Respondents : Mr.A.Muthukaruppan
Additional Govt. Pleader

WEB COPY

ORDER

The writ petition has been filed for a Writ of Mandamus directing the respondents to survey the "Toppampatti to Sirumalai pathway through Tholkad" and restore the above pathway as per the Gazette Publication No.3 in the Fort St. George Gazette dated 23.01.1900 and consequently, permit the petitioner to use the above pathway for accessing his land situated in Survey No.103, Toppampatti Village, Aathur Taluk, Dindigul District, based on the petitioner's representations dated 18.12.2013 and 28.05.2014 within the time limit that may be stipulated by this Court.

2. A counter affidavit has been filed by the fourth respondent and in paragraph-5, it is clearly stated as follows:

"5. With respect to the averment of the petitioner herein in paragraph-5 of the affidavit, it is respectfully submitted that since a full-fledged forest settlement is in progress, the Forest Settlement Officer has been requested to verify with reference to the need of the public in the area about the necessity of maintaining the right of way granted on account of temporary survey taken up and completed in the year 1900. The petitioner herein has also been informed of this on his representation to restore the pathway made on 18.12.2013."

3. But, it is also stated in para-6 that the petitioner is taking his own attempt to create a new path way which cannot be done and only the authority will do the survey. Thereafter, if the petitioner is entitled for a pathway, he is eligible to get the same. But, it is made clear that the petitioner on his own accord will not to create or form a pathway.

4. In view of the same, the authority concerned is directed to complete the survey and do the needful as expeditiously as possible.

With the above direction, this Writ Petition stands disposed of. No costs.

Sd/
Assistant Registrar (C.O.Dept)

/True Copy/

Sub Assistant Registrar



To

1. The Secretary,
Department of Forest and Environment,
Fort St. George,
Chennai 600 009.

2. The Principal Chief Conservator of Forest,
Panagal Buildings,
Saidapet,
Chennai 600 015.

3. The District Collector,
Dindigul District,
Dindigul.

4. The District Forest Officer,
District Forest Office,
Dindigul.

5. The Forest Settlement Officer,
Dindigul,
Dindigul District.

6. The Forest Range Officer,
Sirumalai Forest Division,
District Forest Office Campus,
Dindigul.

+1cc to Mr.N.Satheesh Kumar, Advocate SR.No.11489

+1cc to Special Government Pleader in Sr.No.11309

CN/SKS-RR/11.03.2016/3P-9C

W.P (MD) .No.10957 of 2014
25.02.2016