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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2016

CORAM

The Hon`ble Mr.Justice S.MANIKUMAR
and

The Hon`ble Mr.Justice S.S.SUNDAR

WA(MD) No.822 of 2016
and CMP(MD)No.5059 of 2016

- 1 KANYAKUMARI DISTRICT MADHA SAARBATRA
JANATHADALA THOTTA THOZHILALAR SANGAM,
REG NO.647/KKM REP BY ITS PRESIDENT, S.GNANADASS,
GNANAVILASAM BUNGLOW, DOOR.NO.2/15,
PATHUKKANI P.O., KANNIYAKUMARI DISTRICT 629 101.
- 2 KUMARI MAVATTA BHARATHIYA THOTTA THOZHILAR SANGAM,
REG NO.338/KKM REP.BY THE DISTRICT PRESIDENT K.RAJENDRAN,
4/136 A, SARADHA NAGAR, PARVATHIPURAM, NAGERCOIL-629 103.
- 3 KUMARI ESTATES WORKERS' UNION
REG.NO.2419/58, REP.BY THE VICE PRESIDENT
M.MOHAMED ABDUL KHADAR,
CITU OFFICE, KULASEKARAM 629 161. ..APPELLANTS/PETITIONERS

Vs.

- 1 THE SECRETARY TO GOVERNMENT,
ENVIRONMENT AND FOREST DEPARTMENT,
SECRETARIAT, CHENNAI-600 009.
- 2 THE MANAGING DIRECTOR,
ARASU RUBBER CORPORATION, POST BOX NO.75,
VADASERI, NAGERCOIL,
KANYAKUMARI DISTRICT-629 001. ..RESPONDENTS/RESPONDENTS

Writ Appeal filed under Clause 15 of Letter Patent, to set aside the order dated 16.09.2015 passed in WP(MD)No.16900/2015.

Prayer in WP(MD). 16900/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st Respondent to Re-transfer the forest lands that were transferred from the 2nd Respondent vide G.O.(Ms) No.367: Ministry of Environment and Forest Department Dt.3.09-97, 425+80+30=535 hectares; G.O.(Ms)No.191 Envion-ment and Forest (FR.8) Department Dt: 30-07-12. 37.80 hectares and vide the G.O.(Ms)No:53 Environment and Forest(FR.8) Department Dt: 14.05.2014; 26.70 hectares; which are still kept barren by the 1st Respondent, thereby ensure employment opportunity to the workers employed under the 2nd Respondent as well as to generate further employment opportunity to the public at large at Kanyakumari District.



For Appellants
For Respondents

: Mr.S.Seenivasagam
: Mr.A.K.Baskarapandian,
Spl.Govt., Pleader

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ORDER

(ORDER OF THE COURT WAS MADE BY S.SUNDAR,J.)

The appellants/writ petitioner have filed the writ petition for issuance of writ of mandamus, directing the 1st respondent to re-transfer the forest lands that were transferred from the 2nd Respondent vide G.O.(Ms)No.367: Ministry of Environment and Forest Department dated.03.09.1997, 425+80+30=535 hectares; G.O.(Ms)No.191 Environment and Forest (FR.8) Department dated: 30-07-2012. 37.80 hectares and vide the G.O.(Ms)No:53 Environment and Forest(FR.8) Department date: 14.05.2014; 26.70 hectares; which are still kept barren by the 1st Respondent, thereby ensure employment opportunity to the workers employed under the 2nd Respondent as well as to generate further employment opportunity to the public at large at Kanyakumari District, pass such further or other orders as may deem fit and proper in the circumstances of the case.

2. The appellants/petitioners have filed the writ petition stating that the 2nd respondent Corporation was formed by a G.O. transferring 4782.70 Hectares of forest lands and that if the forests lands are handed over to Government, the plantation activities of the second respondent would be reduced and there by and there may be problems for the second respondent to provide employment to all the persons, who are working under second respondent.

3. Despite the fact that the transfer of lands in favour of Government was made long back and the Government accepted such transfer by orders of Government, the petitioner did not challenge the same. In the present writ petition, the petitioners seek re-transfer of the lands without challenging the correctness of the Government order or proceedings, whereby, the lands were transferred to Government in 1997, 2012 and 2014 respectively. Hence, he cannot maintain the writ petition, to hand over the lands again to the second respondent. The petitioners have no right to question the policy decision of the employer, the second respondent in this matter.

4. Hence, we find that there is no infirmity in the order dismissing the writ petition filed by the appellant/petitioner and this appeal is dismissed. However, no order as to costs consequently, connected C.M.P(MD)No.5059 of 2016 is also dismissed.

sd/-

28/04/2016

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TO

THE SECRETARY TO GOVERNMENT,
ENVIRONMENT AND FOREST DEPARTMENT,
SECRETARIAT, CHENNAI-600 009.

+1. C.C. to M/S. S.SEENIVASAGAM Advocate SR.No.25294
+1cc to the Special Government Pleader, in SR.25211

WA(MD) No.822 of 2016
28.04.2016

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