

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2017

CORAM:

**THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE RMT.TEEKA RAMAN**

Contempt Petition No.1406 of 2017

S.Havarasu

... Petitioner

Vs

Mr.Kirubasankar, I.F.S.,
District Forest Officer,
Salem District,
Salem.

... Respondent

Prayer : Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971 to punish the respondent herein for having committed contempt of court of the order dated 27.03.2017 made in W.P.No.7335 of 2017.

For Petitioner :: Mr.G.Arul Murugan

For Respondent :: Mr.M.Santhanaraman,
Addl. Govt. Pleader

ORDER

(Order of the Court was made by **HULUVADI G.RAMESH, J.**)

Alleging that the Order of this Court dated 27.03.2017 made in W.P.No.7335 of 2017 has not been complied with, the petitioner has come before this Court with this petition seeking to punish the respondent.

2. Today, when the matter is called, a Compliance Affidavit has been filed by the respondent.

3. In the Compliance Report, it is pleaded by the District Forest Officer, Salem Division, Salem that under the Forest Conservation Act, 1980, there are certain limitations. This Muttal Lake, adjoining the forest area is the home for some major animals like Indian Gaur, Spotted Deer, Sloth Bear, Royal Bengal Fox, Pangolings, Civet Cats, Barking Deer etc.. This lake is also home for many migratory water birds. Any unmindful and unscientific de-silting and removal of earth will result in serious damage to the rich and fragile ecosystem. It is further pleaded that considering the importance of the said site, the Forest Department is operating Anaivari Muttal Ecotourism in the area in order to protect, conserve and to create awareness to the public about forest conservation. It is also pleaded that the order of this Court has been duly complied with by submitting a proposal through the Conservator of Forests, Salem dated 05.06.2017 and 21.07.2017 for the de-silting and improvement of the wildlife habitat by the creation of island with vegetation using the silt in the lake area. Further, it is also pleaded that since the District Forest Officer does not possess any power to grant permission for de-silting the lake under the Tamil Nadu Forest Act, 1882 and Forest Conservation Act, 1980, it requires prior permission of the Central Government as per the Forest Conservation Act,

1982. Therefore, the delay has occurred in complying with the orders of this Court and the respondent undertakes to implement the orders of this Court in time in future.

4. Recording the compliance affidavit filed by the respondent, the Contempt Petition is closed.

(H.G.R.J.)

(T.K.R.J.)

15.09.2017

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HULUVADI G.RAMESH,J.

and

RMT.TEEKA RAMAN, J.

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