

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.31672 of 2017

G.Vivekanandan

...Petitioner

Vs

1.The Chairman,
Hill Areas Conservation Authority
cum The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai 600 009.

2.The District Collector,
Coimbatore.

3.The Principal Chief Conservator of Forests,
Panagal Maligai, Saidapet,
Chennai 600 015.

4.The Director of Town & Country Planning,
Directorate of Town & Country Planning,
Anna Salai,
Chennai 600 002.

...Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the third respondent to forward his remarks on the proposal of the petitioner sent by Conservator of Forest, Coimbatore dated 29.08.2017, vide his Letter No.Na.Ka.6632/2017/V1 and forward the same to the fourth respondent to enable him to place it before the first respondent within the time frame.

For Petitioner : Mr.R.Krishnamoorthy
Senior Counsel
for Mr.C.Jagadish

For Respondents : Mr.P.V.Selvakumar for R1, 2 and 4
Additional Government Pleader
Mr.E.Manoharan for R3
Additional Government Pleader

ORDER

Heard Mr.R.Krishnamoorthy, learned Senior Counsel appearing for the petitioner, Mr.P.V.Selvakumar, learned Additional Government Pleader appearing for the respondents 1, 2 and 4 and Mr.E.Manoharan, learned Additional Government Pleader appearing for the third respondent.

2.The petitioner is the power agent of his principal by name V.Malliga. The said principal wanted to develop her property at S.F.No.256 in Madampatti Village, Perur Taluk, Coimbatore District, which is notified as one of the villages to seek clearance from the Hill Areas Conservation Authority Committee of the Local Planning Authority, Coimbatore. Therefore, the said owner of the property preferred an application before the Conservator of Forest, Coimbatore, Deputy Director of Geology and Mining, Coimbatore and Executive Engineer, Agricultural Engineering Department, Coimbatore for issuing No Objection Certificate to develop the property into lay out. It is stated that the District Forest Officer, Coimbatore, inspected the site and forwarded his comments to the

Conservator of Forest Officer, Coimbatore, who in turn personally inspected the area and offered his remarks to the Principal Chief Conservator of Forest Officer, Chennai, viz., the third respondent on 29.08.2017.

3.The grievance of the petitioner at the time of filing this writ petition was that the third respondent, after receiving such remarks from the Conservator of Forest Officer, Coimbatore, has not forwarded the remarks to the fourth respondent, who in turn, has to forward the same to the first respondent for considering the petitioner's request for laying out the plot.

4.When this matter was taken up on 06.12.2017, the respective counsels appearing for the respondents took notice and sought time to get instructions. Accordingly, the matter is listed today again for further hearing. Learned counsel for the third respondent submitted that on 07.12.2017, the third respondent has forwarded the remarks to the fourth respondent and therefore, now the papers are pending before the fourth respondent.

5.In view of the above, the present relief sought for in this writ petition to forward the remarks by the third respondent to the fourth respondent does not survive any more. Now it is for the fourth respondent

to forward the remarks to the first respondent, who in turn, has to consider the request of the petitioner and pass orders on merits and in accordance with law. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner viz., the owner of the land, who is being represented by the power of attorney herein, as it is for the first respondent to consider and decide. Accordingly, this writ petition is disposed of, by directing the fourth respondent to forward the remarks to the first respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such remarks from the fourth respondent, the first respondent shall consider the matter on its own merits and pass orders in accordance with law within a period of four weeks thereafter. No costs.

11.12.2017

Speaking/Non Speaking

Index : Yes / No

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To

- 1.The Chairman,
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