IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.3183 of 2017

K.Elango
rep.by his power agent
R.Rajamahesh ..Petitioner

-vs-

1.The Principal Chief Conservator of Forests
(Head of Department)
Panagal Building, Saidapet
Chennai 600 015

2.The Conservator of Forest (i/c)
Dindigul Circle
Velu Nachiyar Valagam
Dindigul-4

3.The District Forest Officer
O/o District Forest
Kodaikkanal Taluk
Dindigul District ..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to issue "No Objection Certificate" in terms of the communication made in C.No.5296/2015 dated 05.02.2016 by the second respondent.

For Petitioner :: Mr.G.Ethirajulu

For Respondents :: Mr.N.Inbanathan
Government Advocate (Forests)

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ORDER

The petitioner has come to this Court seeking issuance of a writ of mandamus, directing the Principal Chief Conservator of Forests (Head of Department), Chennai, the first respondent herein to issue the 'No Objection Certificate' in terms of the communication made in C.No.5296/2015 dated 5.2.2016 issued by the Conservator of Forest in-charge, Dindigul Circle, the second respondent herein.

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2. It is the claim of the petitioner that the property covered in S.F.No.285/2 measuring an extent of 1.22.0 Hectares situated at Vilpatti Vilage, Kodaikkanal, Dindigul District absolutely belongs to him. Therefore he applied for the approval of layout for residential building before the District Forest Officer, Dindigul District, the third respondent herein, who also recommended for grant of approval in his proceedings bearing Na.Ka.No.1171/2015/Va.1 dated 10.7.2015. Pursuant thereto, the Conservator of Forest in-charge, Dindigul Circle had also undertaken a spot verification, thereafter has recommended for grant of no objection certificate in his proceedings dated 5.2.2016 bearing C.No.5296/2015-D and also forwarded the same to the Principal Chief Conservator of Forests, the first respondent herein. Subsequently, the first respondent also sent a communication to the third respondent raising certain queries on 5.7.2016. Immediately thereafter, the third respondent, in his communication dated 14.7.2016, complied with all the queries raised by the first respondent. In spite of there being no impediment, the first respondent, till date, has not issued the no objection certificate.

3. The learned Government Advocate, taking notice on behalf of the respondents, sought six weeks time to enable the first respondent to pass final orders, on the basis of the recommendations made by the second and third respondents dated 5.2.2016, 10.7.2015 and 14.7.2016 respectively, for granting the no objection certificate to the petitioner.

4. As the matter is pending for a long time, this Court directs the first respondent-Principal Chief Conservator of Forests to pass final orders regarding the grant of no objection certificate to the petitioner, based on the recommendation made by the second respondent dated 5.2.2016 as well as the recommendation made by the third respondent dated 10.7.2015 & 14.7.2016, within a period of three weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. Consequently, W.M.P.No.3117 of 2017 is closed. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To
1.The Principal Chief Conservator of Forests
(Head of Department)
Panagal Building, Saidapet,
Chennai 600 015.

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2. The Conservator of Forest (i/c)
   Dindigul Circle,
   Velu Nachiyar Valagam,
   Dindigul-4.

3. The District Forest Officer,
   O/o District Forest,
   Kodaikkanal Taluk,
   Dindigul District.

+1cc to Mr.G. Ethirajulu, Advocate in SR. 8336

+1cc to Special Government Pleader (F) SR. 8837

W.P.No.3183 of 2017

KJI(CO)
VR(2/03/2017)

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