

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2017

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The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.26114 of 2017

N.S.Subramani

.. Petitioner

vs.

1.The State of Tamil Nadu,
rep. by its Principal
Secretary to Government,
Environment and Forest Department,
Fort St. George,
Secretariat,
Chennai - 600 009.

2.The Forest Engineer,
Divisional Engineering Office,
Kajamalai,
Tiruchirapalli - 620 020.

3.The District Forest Officer,
O/o. The District Forest Officer,
Salem Division,
Salem.

4.Union of India,
rep. by its Secretary,
Ministry of Environment,
Forest and Climate Change,
Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi - 110 003.

5.The District Collector,
Salem District,
Salem.

6.The Block Development Officer,
Kolathur Panchayat Union,
Mettur Taluk,
Salem District.

.. Respondents

(Respondent Nos.4 to 6 impleaded
as per this order)dt. 9.10.2017

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to lay tar road in the allotted area to the extent of 5.50 km length and 7.0 metres breadth to the extent from Ramanpatti to Kannamuchi Mettur Taluk, Salem District based on the representation of the petitioner dated 22.4.2017 within stipulated time may be fixed by this Court.

For Petitioner : Mr.M.Senthilkumar

For Respondents : Mr.E.Manokaran
Addl. Government Pleader
(Forest) for respondent
Nos.1 to 3
Mr.T.N.Rajagopalan
Government Pleader (i/c)
for respondent Nos.5 & 6

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition, in public interest, has been filed seeking directions on the respondents to lay a tar road of 5.50 km in length and 7.0 metres in breadth from Ramanpatti to Kannamuchi, Mettur Taluk, Salem District, upon consideration of the petitioner's representation dated 2nd April 2017.

2. Any tar road will necessarily have to be laid through the forest and involve cutting of trees.

3. Learned counsel appearing on behalf of the petitioner submits that about 500 residents of Paalamalai village virtually have no access. The journey through the forest takes almost a whole day.

4. Laying of a road, which would only be about 5.50 km in length would lessen the hardship. However, in so far as the forest lands are concerned, any decision necessarily has to be taken by the Ministry of Environment, Forest and Climate Change, New Delhi.

5. Considering all relevant factors and balancing the interest of the requirement of access with the need to protect the forest flora and fauna, we deem it appropriate to add the Union of India, represented by its Secretary, Ministry of Environment, Forest and Climate Change, New Delhi; the District Collector, Salem District and the Block Development Officer, Kolathur Panchayat Union as respondent Nos.4 to 6 in this writ petition. Memo of parties be amended accordingly.

6. After hearing the parties, the writ petition is disposed of by directing the petitioner to submit a representation to the Block Development Officer, Kolathur Panchayat Union in accordance with law. The Block Development Officer, Kolathur Panchayat Union shall consider the representation of the petitioner and forward the same to the Ministry of Environment, Forest and Climate Change, New Delhi with his views/opinion thereon and the Ministry of Environment, Forest and Climate Change, New Delhi shall take a decision in accordance with law at the earliest. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Principal Secretary to Government,
Environment and Forest Department,
Fort St. George,
Secretariat, Chennai - 600 009.
- 2.The Forest Engineer,
Divisional Engineering Office,
Kajamalai, Tiruchirapalli - 620 020.
- 3.The District Forest Officer,
O/o. The District Forest Officer,
Salem Division, Salem.
- 4.The Secretary,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhavan,
Jorbagh Road,
New Delhi - 110 003. सत्यमेव जयते
- 5.The District Collector,
Salem District, Salem.
- 6.The Block Development Officer,
Kolathur Panchayat Union,
Mettur Taluk,
Salem District.

+ 1 cc to Mr. M. Senthilkumar, Advocate SR.72729

+ 1 cc to Special Government Pleader Sr.72076

W.P.No.26114 of 2017

CS-IV

EU(30/10/2017)