

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.36973 of 2007

R.B.Gopalakrishnan,
Rep. by his Power Agent T.Kannan .. Petitioner

Vs.

1. The District Collector,
Uthagamandalam.
2. The District Forest Officer,
North Division,
Uthagamandalam. .. Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent dated 19.02.2007 in Ref.No.13834/2006 T and quash the same and direct the respondents herein to refund the deposit amount, deposited by the petitioner under the Head of Civil Deposits/ Guarantee Fund on 24.07.2003 and 04.08.2003 respectively.

For Petitioner : Mr.G.Jermiah

For Respondents : Mr.Santhanaraman,
Additional Government Pleader

ORDER

The petitioner has come forward with above writ petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent dated 19.02.2007 in Ref.No.13834/2006 T, and quash the same and direct the respondents herein to refund the deposit amount, deposited by the petitioner under the Head of Civil Deposits/ Guarantee Fund on 24.07.2003 and 04.08.2003 respectively.

2. When the Writ Petition is taken up for hearing, learned Additional Government Pleader appearing for the respondents produced a communication sent by the second respondent-District Forest Officer (i/c), Nilgiris North Forest Division, Udhagamandalam, The Nilgiris District, to the Principal Chief Conservator of Forests & Chief Wildlife

Warden, dated 07.09.2017 in Ref.No.3943/2017/L, relevant portion of which reads as follows:

"The entire case along with legal provisions, i.e. Sec.I.A. and Chapter VI-A and Chapter VI-B of Tamil Nadu Forest Act, 1885 and Tamil Nadu Rosewood Conservation Act, 1994 and Rules framed thereunder, and other orders pertinent hitherto, were examined and there are no legal provisions to collect royalty for Rosewood in private land in areas other than transferred territories. The Government Order No.171, Environment and Forests (FR-X) Department, dated 16.06.1998 is only for fixing quantum of royalty and seigniorage fees. Hence, the applicant is liable to get his amount.

Based on the above facts, I request that necessary orders may be issued to refund Rs.94,384/- (Rupees ninety four thousand three hundred and eighty four only) under the provisions of Article 32 and Appendix 2 of TN Financial Code."

3. In pursuant to the above said communication of the District Forest Officer, the Principal Chief Conservator of Forests & Chief Wildlife Warden and Chief Wildlife Warden, Chennai, will have to pass appropriate orders. Since the second respondent-District Forest Officer has issued the above proceedings, dated 07.09.2017, this Court expects that the Principal Chief Conservator of Forests and Chief Wildlife Warden, without standing on technicalities, shall extend the benefits of the said communication, dated 07.09.2017 of the second respondent-DFO to the petitioner and appropriate orders shall be passed by him within a period of six weeks from the date of receipt of a copy of this order. 4. With the above observations, the Writ Petition is disposed of. No costs.

Sd/

Assistant Registrar

/True copy/

Sub Assistant Registrar

Registry is directed to issue this order copy to the Principal Chief Conservator of Forests and Chief Wildlife Warden, Panagal Buildings, No.1, Jeenisi Road, Saidapet, Chennai-600 015.

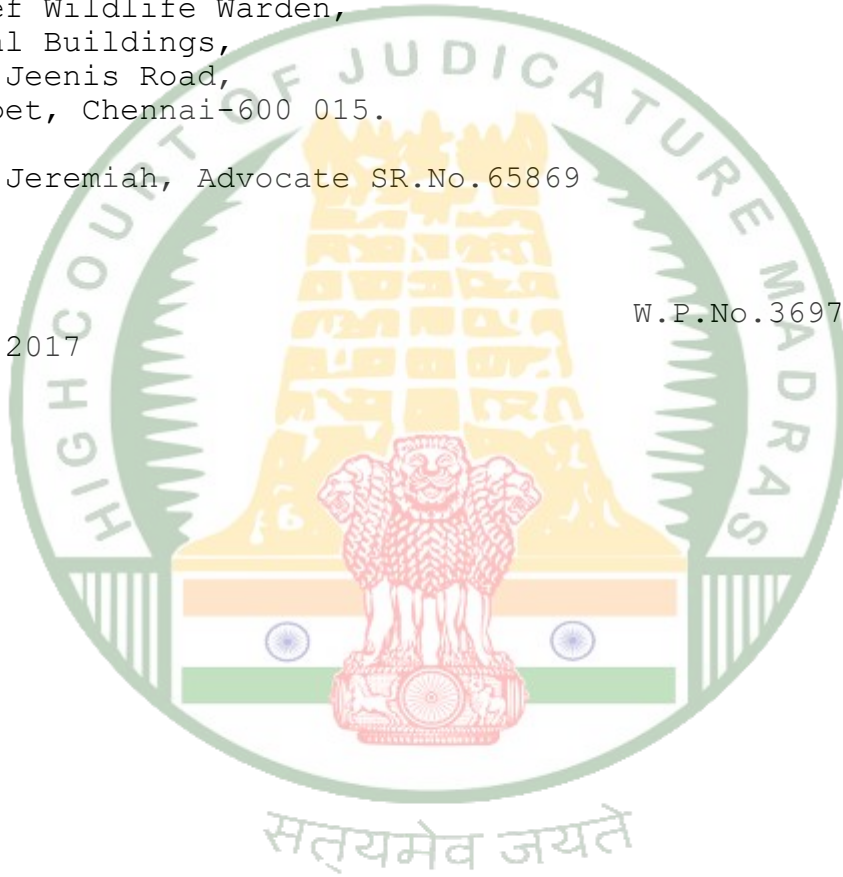
To

1. The District Collector,
Uthagamandalam.
2. The District Forest Officer,
North Division,
Uthagamandalam.
3. The Principal Chief Conservator of Forest and
Chief Wildlife Warden,
Panagal Buildings,
No.1, Jeenis Road,
Saidapet, Chennai-600 015.

+1cc to G.Jeremiah, Advocate SR.No.65869

SDR 11.10.2017

W.P.No.36973 of 2007



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