



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2017

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

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Cr1.O.P. (MD) No.23917 of 2016

ROSI FOUNDATION

(Rural Organizing for Social Improvement)

3889, MRM BUILDING, SOUTH SECOND STREET,

PUDUKKOTTAI, PUDUKKOTTAI DISTRICT,

REP.THROUGH ITS CHAIRMAN

S.PALANIVEL, (Male/Age-55), S/O.SUNDARAM.

... Petitioner

-vs-

1. THE PRINCIPAL CONSERVATOR,
PANAGAL MALIGAI, SAIDAPET,
CHENNAI.

2. THE CONSERVATOR OF FOREST,
DINDIGUL CIRCLE, VELUNACHIAR VALAGAM,
DINDIGUL, DINDIGUL DISTRICT.

3. THE DISTRICT FOREST OFFICER-
DINDIGUL DIVISION, VELUNACHIAR VALAGAM,
DINDIGUL, DINDIGUL DISTRICT.

4. THE RANGER OF FOREST
SIRUMALAI, DINDIGUL DISTRICT.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 3rd respondent to transfer the investigation of the Miscellaneous Forest Crime No.22 to 25 of 2016 from the file of the 4th respondent to any competent officer for conducting an impartial investigation.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.K.Anbarasan
Govt. Advocate (Cr1.Side)

O R D E R

This petition has been filed to direct the 3rd respondent to transfer the investigation of the Miscellaneous Forest Crime No.22 to 25 of 2016 from the file of the 4th respondent to any competent officer for conducting an impartial investigation.



2. On the instructions of the District Forest Officer, the Ranger of Forest, Sirumalai and a team of forest officials went into the Forest and found four persons by name Vanaraj , Velusamy, Kannan and Mayandi illegally felling some trees and they were apprehended. Their statements were recorded and the proceedings under the Forest Act were initiated against them. The four persons paid compounding fee and the matter was compounded. It is the allegation of the petitioner, who is running an NGO that the officials had not properly conducted the enquiry in the case and that one Ramalingam and his son Rajendran were involved in the illegal felling of the trees. Therefore, the petitioner is before this Court for transfer of investigation.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State. Mr.G.Sankaran, Forest Range Officer, Sirumalai Range is present.

4. It is true that the petitioner had sent certain representations to the authorities making allegations against Ramalingam and his son Rajendran. But when the Forest Officers went into the Forest, these two persons were not there and those who were felling the trees were rounded up. The trees that were felled are not enumerated in the Schedule to the Tamil Nadu Forest Act, 1882.

5. Learned Government Advocate (Crl.Side) on instructions submitted that Ramalingam against whom the petitioner has made allegations is an eighty eight year old man and he is a local farmer. He further submitted that the District Forest Officer had gone into the Forest on 18.11.2016 and that the trees that were felled were found in the same place.

6. In the considered opinion of this Court, merely on the allegation of the petitioner about the involvement of Ramalingam and his son Rajendran, they cannot be prosecuted for the forest offences without anything more.

In the result, this petition is devoid of merits and the same is accordingly dismissed.

Sd/-

Assistant Registrar(AD-II)

/True copy/

Sub Assistant Registrar

To:

<https://hccservices.ecourts.gov.in/CSP/AsstConservator/PanagalMaligai/Saidapet/Chennai>
ASSTANT CONSERVATOR,
PANAGAL MALIGAI, SAIDAPET,
CHENNAI.



2. THE CONSERVATOR OF FOREST,
DINDIGUL CIRCLE, VELUNACHIAR VALAGAM,
DINDIGUL, DINDIGUL DISTRICT.

3. THE DISTRICT FOREST OFFICER-
DINDIGUL DIVISION, VELUNACHIAR VALAGAM,
DINDIGUL, DINDIGUL DISTRICT.

4. THE RANGER OF FOREST
SIRUMALAI, DINDIGUL DISTRICT.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.R.Murugan , Advocate in SR.No. 59709

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AE/MR/SAR3/21.06.2017/3P/7C

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