

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 22.06.2017****CORAM:****THE HONOURABLE MRS.JUSTICE J.NISHA BANU****W.P. (MD) No.19119 of 2014****WEB COPY**

C.Deva Raj

... Petitioner

-Vs-

1. The District Collector cum
Chairman of the Forest Committee,
Kanyakumari District,
Kanyakumari.

2. The District Forest officer,
Kanyakumari District,
Kanyakumari.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to grant permission to sell the petitioner's property in Ponmanai 'A' village Survey No.516/2B (2 acre and 87 ½ acres) on the basis of his representation, dated 01.03.2014.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.G.Muthu Kannan

Government Advocate

O R D E R

The Writ Petition has been filed for issuance of a Writ of Mandamus directing the first respondent to grant permission to sell the petitioner's property in Ponmanai 'A' village Survey No.516/2B (2 acre and 87 ½ acres) on the basis of his representation, dated 01.03.2014.

2. The petitioner would among other things aver that the land in Ponmanai 'A' Village, Survey No.516/2B to an extent of 2 acres and 87 ½ cents originally belongs to one Sankaralingam family and they executed a sale deed in favour of Palanto family, from which the petitioner has purchased the above said land by way of sale deed in Document Nos.3559/95 and 3939/95. Thereafter, the petitioner was in possession and enjoyment of the same and he has changed the Patta in his name and has been paying the tax to the Government.

3. It is the further case of the petitioner that the above said land comes under the Tamil Nadu Private Forest Preservation Act, wherein rubber trees, teak trees and other trees are there. The petitioner is 69 years old and he wanted to sell his property. But, as per the Amended Act, the vender has to get prior permission. Accordingly, he sought permission to sell his



property. He further states that permission had been granted to one Praetheep on 27.01.2014 vide his proceedings in M1/19514/2013, dated 27.01.2014 and to Doli Kirawteen on 22.07.2014 vide his proceedings in Mu.Mu.M1/10111/2013, whereas this petitioner alone has not been given permission to sell his property by the first respondent.

4. The learned counsel for the petitioner would submit that the earlier representation seeking permission to sell the property has been rejected stating that the petitioner did not enclose the sale deed and Patta. Thereafter, on 01.03.2014, the petitioner has given a representation enclosing the sale deed and Patta and so far the same has not been considered by the first respondent. Hence, the learned counsel for the petitioner wanted to dispose of the above representation within the time frame.

5. The learned Government Advocate appearing for the respondents has also no objection to consider the petitioner's representation.

6. Accordingly, this Court directs the first respondent to consider and dispose of the representation of the petitioner, dated 01.03.2014 within a period of eight weeks from the date of receipt of a copy of this order, on merits and in accordance with law.

7. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector cum
Chairman of the Forest Committee,
Kanyakumari District,
Kanyakumari.
2. The District Forest officer,
Kanyakumari District,
Kanyakumari.

+1cc to Mr.G.Gomathi Sankar, Advocate Sr.No.61589

+1cc to Spl.Government Pleader Sr.No. 61973

AKV

VB/MR-KKR/SAR4/26.07.2017/2P/5C