



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.04.2017

CORAM

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THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.P.(MD)No.4163 of 2015
and
M.P.(MD)Nos.1 and 2 of 2015

C.K.Ramachandran

... Petitioner

Vs.

1. The State of Tamil nadu,
rep. by the Commissioner and Secretary to Government,
Department of Forest and Fisheries Department,
Fort St.George, Chennai -09.

2. The District Collector,
Kanyakumari District, Kanyakumari.

3. The District Forest Officer,
Kanyakumari Division,
Kanyakumari.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned notification of the respondent No.2 published in Kanyakumari District Government Gazette dated 16.11.1979 declaring the property of the petitioner as a private forest in a Survey No.785/1A4, Azhagiyapandipuram Village, Thovalai Taluk, Kanyakumari District in an extent of 8 acres 71 cents of land and quash the same as illegal.

For Petitioner

: Mr.T.lajapathi Roy

For Respondents

: Mr.R.Anandharaj

Government Advocate

ORDER

This writ petition has been filed to quash the impugned notification of the second respondent published in Kanyakumari District Government Gazette dated 16.11.1979 declaring the property of the petitioner as a private forest in a Survey No.785/1A4, Azhagiyapandipuram Village, Thovalai Taluk, Kanyakumari District to an extent of 8 acres 71 cents of land.

2. Heard the learned counsel for the petitioner; the learned Government Advocate for the respondents and perused the materials available on record.



3. Today, when the matter came up for hearing, it is represented that when the similar notification has been challenged before this Court in W.A.(MD)Nos.1336 of 2002 etc. batch, this Court has passed the following order:-

"51. In our view, so far as the extension of the 1949 Act to the Kanyakumari District has a peculiar effect, which cannot be compared to the extension of the 1949 Act to other areas nor any parallel could be drawn to other statutes which have been enacted by the various States, which are roughly in pari materia with the 1949 Act. We say so, because, Kanyakumari District was originally part of the Travancore, Cochin State. On re-organisation of the States in 1956, Kanyakumari District and certain other areas were annexed to the present Tamil Nadu State. The estate owners whose lands now fall within the ambit of private Forest had been granted patta by the erstwhile Travancore Cochin State. This appears to have resulted in a unique problem for this area namely, Kanyakumari District and it is all the more essential that the provisions of the Act should be strictly enforced in Kanyakumari District to preserve the environment and maintain the ecological balance.

52. For all the above reasons, we find no grounds to interfere with the order passed in the Writ petitions and accordingly, the Writ Appeals fail and they are dismissed. Consequently, Writ Petitions are also dismissed, leaving it open to the parties to work out their rights under the provisions of the Act. No costs. Consequently, connected Miscellaneous Petitions are closed."

4. Following the above said order, which is squarely applicable to the present case on hand, this writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner and Secretary to Government,
Department of Forest and Fisheries Department,
Fort St. George, Chennai -09.



2. The District Collector,
Kanyakumari District,
Kanyakumari.

3. The District Forest Officer,
Kanyakumari Division,
Kanyakumari.

+1cc to M/S.T.LAJAPATHI ROY, Advocate SR.No.50544
+1cc to Special Government Pleader, SR.No.50723

W.P (MD) No.4163 of 2015
05.04.2017

JM/KP/SAR 4/02.05.2017/3P/6C