

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.32733 to 32737 of 2007

V.Muthusamy	... Petitioner in W.P.32733 of 2007
D.Manickam	... Petitioner in W.P.32734 of 2007
K.Bakkiyam	... Petitioner in W.P.32735 of 2007
S.Natesan	... Petitioner in W.P.32736 of 2007
C.Perumayee	... Petitioner in W.P.32737 of 2007

Vs.

- 1.State of Tamil Nadu,
Rep. by its Secretary to Government,
Forest and Fisheries Department,
Fort St.George,
Chennai - 600 009.
 - 2.The District Forest Officer,
Salem and Namakkal District.
 - 3.The Forest Ranger,
Rasipuram Range,
Rasipuram Town,
Rasipuram Taluk,
Namakkal District.
- ... Respondents in all W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue Writ of Certiorari calling for the records pertaining to the impugned notice of the 3rd respondent dated 07.08.2007 and quash the same.

For Petitioners: Mr.R.Santhanam

For Respondents: Mr.M.Santhanaraman

Additional Government Pleader (Forest)

C O M M O N O R D E R

The petitioners have filed these writ petitions seeking issuance of Writ of Certiorari calling for the records pertaining to the impugned notice of the third respondent dated 07.08.2007 and to quash the same.

2.It is the case of the petitioners that they got the disputed property from the Forest Settlement Officer, and after the assignment, they are in continuous possession and enjoyment of the same. However, without analysing the said fact, the third respondent issued the impugned notice dated 07.08.2007, as if the petitioners are encroaching the forest reserve area. Hence, the petitioners have filed these petitions.

3.The learned Additional Government Pleader (Forests) appearing for the respondents would submit that the third respondent issued only a show cause notice under Section 68 A of the Tamil Nadu Forests Act, 1882 requesting the petitioners to either appear before him in person or through written representation, within a period of fifteen days from the date of receipt of the said notice and would further submit that it is not an order against the petitioners.

4.Perusal of the impugned notice also discloses that it is only a show cause notice. The petitioners without approaching the concerned Authorities, have filed these writ petitions. In view of the above, these writ petitions are disposed of with liberty to the petitioners to submit all the relevant records before the Authority and appear before the Authority and establish that they are the title holders of the property.

5.The petitioners shall approach the respondents with relevant records within a period of four weeks from the date of receipt of a copy of the order. The respondents shall consider the same and pass appropriate orders, in accordance with law, within a period of six weeks thereafter. Till such time, status-quo as on date is to be maintained.

6.The writ petitions are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
State of Tamil Nadu
Forest and Fisheries Department,
Fort St.George,
Chennai - 600 009.

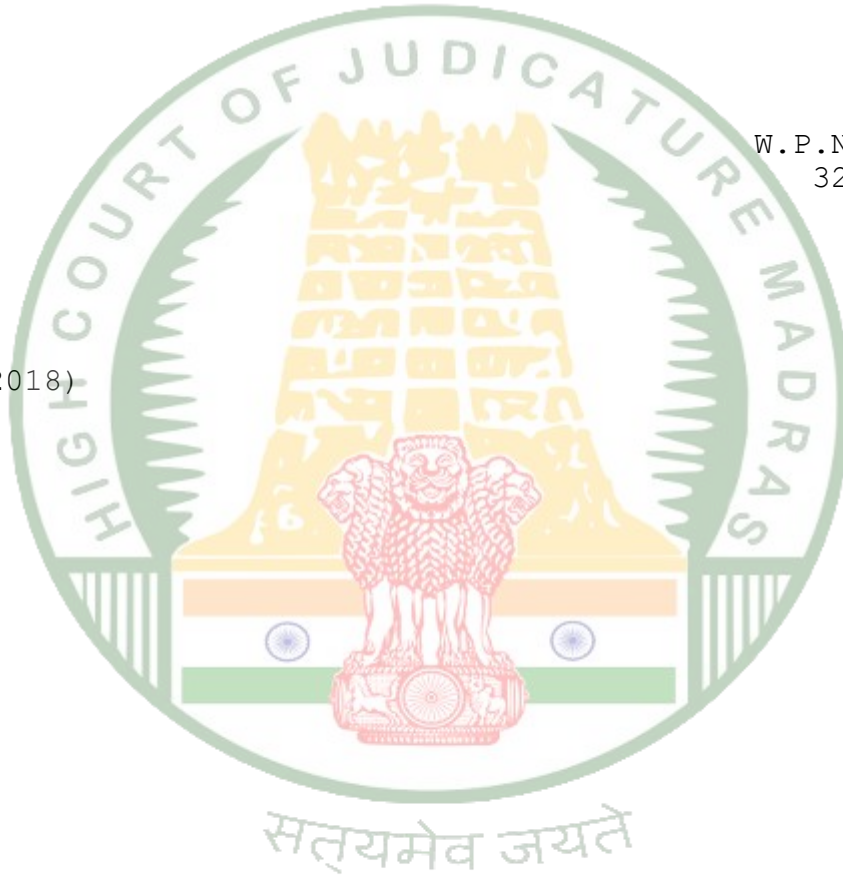
2.The District Forest Officer,
Salem and Namakkal District.

3.The Forest Ranger,
Rasipuram Range,
Rasipuram Town,
Rasipuram Taluk,
Namakkal District.

+10 Ccs to Mr.R. Santhanam, Advocate sr 53599 to 53603.
+1 CC to Spl. Govt. Pleader(Forest) sr 53066.

KK (CO)
SP (05/09/2018)

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