

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No. 26852 of 2018

G.Vivekanandan

.. Petitioner

Vs

1. The Chairman,
Hill Areas Conservation Authority,
Cum The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai - 600 009
2. The District Collector,
Coimbatore
3. The Principal Chief Conservator of Forests,
Panagal Maligai, Saidapet,
Saidapet, Chennai - 600 015
4. The Director of Town and Country Planning,
Directorate of Town & Country Planning,
Anna Salai,
Chennai - 600 002

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 3rd respondent to forthwith forward his remarks on the proposal of the petitioner based on the recommendations forwarded by the Chief Conservator of Forest, Coimbatore dated 29.06.2018, vide his letter in C.No.4437/2018/D1 to the 4th Respondent in a time bound manner so as to enable 4th respondent to place the proposal before the 1st respondent for passing orders within a time frame.

For Petitioner : Mr.A.Thiagarajan, Senior Counsel
for Mr.Balaji

For Respondents: Mr.S.Vijay Prasanth
Additional Government Pleader
for R1 to 3

O R D E R

The relief sought in this writ petition is to direct the 3rd respondent to forward his remarks on the proposal of the petitioner, based on the recommendations forwarded by the Chief Conservator of Forest, Coimbatore dated 29.06.2018, to the 4th Respondent in a time bound manner so as to enable the 4th respondent to place the proposal before the 1st respondent for passing orders.

2. The case of the petitioner is that he purchased the property measuring to an extent of 3.14 $\frac{1}{2}$ acres of land equivalent to 1.27.30 hectares in S.F.No.184/1A1B2, 1A2B2, 187/1A1A of Teetipalayam Village, Perur Taluk, Coimbatore District on 27.03.2018. Subsequently, he wanted to develop his property into lay out for the public purpose and to earn livelihood, since his property is situated in Theetipalayam Village, which is notified as one of the villages to seek clearance from the HACA Committee by the Local Planning Authority, Coimbatore. Consequently, the petitioner preferred an application before the District Forest Officer, Coimbatore, Deputy Director of Geology and Mining, Coimbatore and the Executive Engineer, Agricultural Engineering Department, Coimbatore to get No Objection Certificate to develop his property into layout. On receipt of the said application, all the aforesaid Departments have forwarded their proposals for acquiring the site into layout by giving their no objection, except the 3rd respondent.

3. According to the learned senior counsel for the petitioner, the proposal forwarded to the 3rd Respondent on 24.06.2018 is still pending without consideration, hence this Writ Petition.

4. Upon notice, the 3rd respondent filed a detailed counter wherein at Paragraph No.8, it is averred as follows:-

" 8. It is respectfully submitted that the report sent by the District Forest Officer, Coimbatore is not very specific about the probability of the man animal conflict since the subject land is located just 4.00 kms from Bolampatti Block I Reserved Forest and Coimbatore Division is also known for Man-animal conflict. Furthermore, the petitioner's application is mainly for conversion of Agricultural lands into commercial / residential lands. It has to be analyzed thoroughly with reference to the existing rules and provisions and also to take consideration of movement of wildlife from other places in order to save the interest of the Wildlife since 3rd respondent is Principal Chief Conservator of Forests [Head of

Department] Chennai who is heading entire Forest Department and responsible for the welfare of the Wild animals too. Hence it could not be possible to recommend any requests of converting Agricultural fields into commercial / residential sites abruptly and hastily without applying his mind. Therefore, the report received from the lower level officers is under scrutiny for the reasons explained above."

5. Reiterating the averments made in the counter affidavit filed by the 3rd Respondent, the learned Additional Government Pleader appearing for the Respondents submitted that the 3rd respondent would offer his remarks to the 4th respondent after examining the proposals submitted by the authority concerned within a time frame fixed by this Court.

6. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the 3rd respondent to submit his report on merits as well as on the basis of the proposals submitted by the concerned authorities to the 4th respondent within a period four weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition stands disposed of. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

ssd

To

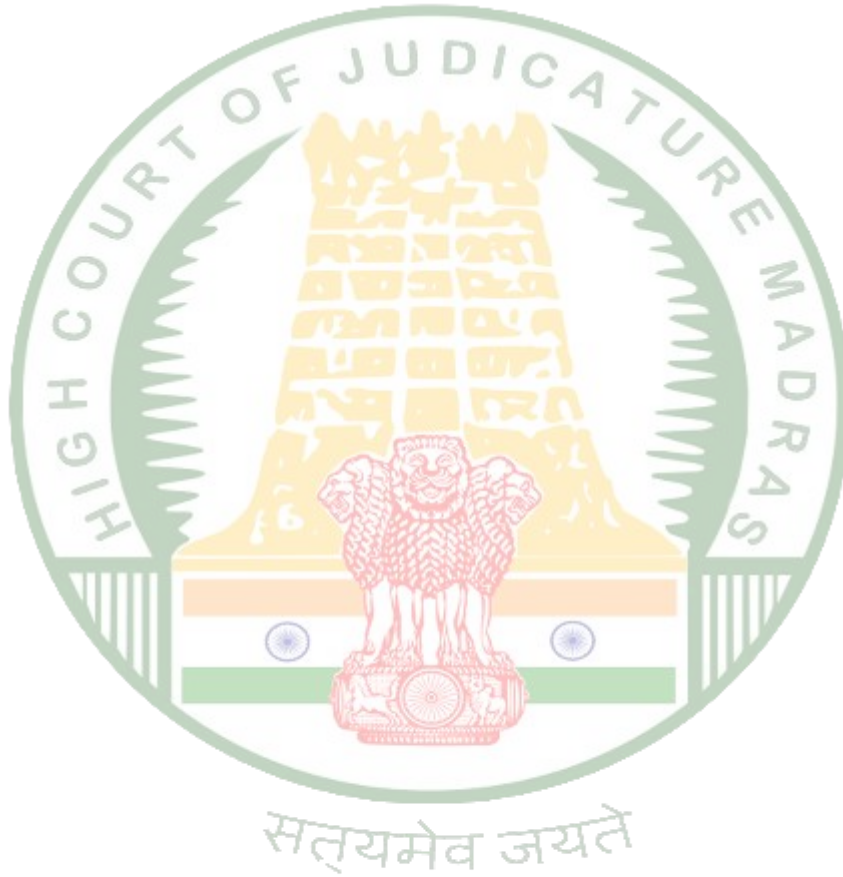
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+1 CC to Mr.A.Thiagarajan , Advocate sr 72564.

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SP(30/10/2018)



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