



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE **M.SATHYANARAYANAN**
and

THE HONOURABLE MRS.JUSTICE **R.HEMALATHA**

W.A(MD)No.2 of 2018

and

C.M.P(MD)No.27 of 2018

1. The Chief Conservator of Forest,
Tiger Reserve, N.G.O.(A) Colony,
Tirunelveli - 7.

2. The Deputy Director/Wildlife Warden,
Tiger Reserve, Ambasamudram Division,
Tirunelveli District.

.. Appellants/
Respondents

Vs.

S.Gurumoorthy

.. Respondent/
Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order, dated 07.07.2017, made in W.P(MD)No.6906 of 2017, by the learned Single Judge.

Prayer in WP(MD). 6906/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the 1st respondent to consider the petitioner representation dated 04.02.2017 and award compensation for the loss of crops as determined by the Deputy Agriculture Officer, Ambasamudram as per G.O.Ms.No.98, Environment and Forest (FR 5) Department dated 17.08.11

For Appellants : Mr.A.K.Baskarapandian,
Special Government Pleader.

For Respondent : Mr.S.Satheeshkumar
for Mr.H.Arumugam

J U D G M E N T

[Judgment of the Court was delivered by **M.SATHYANARAYANAN, J.**]

By consent, this writ appeal is taken up for final disposal.
<https://hcservices.ecourts.gov.in/hcservices/>



2.The official respondents in W.P(MD)No.6906 of 2017, are the appellants.

3.The respondent/writ petitioner filed W.P(MD)No.6906 of 2017, praying for issuance of a writ of mandamus, directing the first appellant herein, to consider his representation, dated 04.02.2017, and award compensation for the loss of crops, as determined by the Assistant Horticulture Officer, Ambasamudram, in terms of G.O.Ms.No.98, Environment and Forests (FR 5) Department, dated 17.08.2011. The learned Judge, vide impugned order, dated 07.07.2017 passed in the said writ petition, directed the first appellant herein, to consider the representation of the petitioner, dated 04.02.2017, in the light of the assessment made by the Assistant Horticulture Officer, Ambasamudram and also in the light of the said Government Order and pass appropriate orders, within a stipulated time and aggrieved by the same, the present writ appeal has been preferred.

4.Mr.A.K.Baskarapandian, learned Special Government Pleader, appearing for the appellants, has drawn the attention of this Court, to the assessment made by the said official, on 12.08.2014, and would submit that without giving any rhyme or reason, a huge sum of Rs.25,200/- has been arrived at, by way of compensation on account of loss of crops, due to raid by wild animals and also drawn the attention of this Court to the proceedings of the second appellant, dated 19.08.2014, and would submit that appropriate assessment has been done and it has been found out that the respondent/writ petitioner is entitled to a sum of Rs.3,500/- only and hence, prays for interference.

5.Per contra, the learned counsel appearing for the respondent/writ petitioner would submit that as per the above said Government Order, it is only the persons, who are having expertise in the above said field, can make assessment and the second respondent, who is a forest official, has no expertise in those kind of cases and as such, his assessment is per se unsustainable and would further add that it is also very low. It is also the submission of the learned counsel appearing for the respondent/writ petitioner that the Assistant Horticulture Officer, Ambasamudram, strictly in terms of the said Government Order, made an assessment and rightly arrived at a sum of Rs.25,200/-, being the damage and hence prays for dismissal of this writ appeal.

6.This Court has considered the rival submissions and perused the the materials placed before it.

7.The learned Judge in the impugned order, passed in the <https://hcservices.ecourt.gov.in/hcservices/> merely directed the first appellant herein to consider the representation, dated 04.02.2017, in the light of the said assessment made by the Assistant Horticulture Officer,



Ambasamudram, and also in terms of G.O.Ms.No.98, Environment and Forest (FR 5) Department, dated 17.08.2011. In the considered opinion of this Court, there is no positive direction given by the learned Judge, as to the consideration of the representation submitted by the respondent/writ petitioner and as such, interference is not warranted.

8. In the result, the writ appeal is dismissed, confirming the order dated 07.07.2017, made in W.P(MD)No.6906 of 2017, by the learned Single Judge. However, instead of first appellant/first respondent, the second appellant/second respondent is directed to carry out the said exercise in accordance with law and communicate the decision taken, to the respondent/writ petitioner, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Conservator of Forest,
Tiger Reserve, N.G.O.(A) Colony,
Tirunelveli - 7.
2. The Deputy Director/Wildlife Warden,
Tiger Reserve, Ambasamudram Division,
Tirunelveli District.

+1cc to Mr.H.Arumugam, Advocate Sr.No.44498
+1cc to The Spl. Government Pleader Sr.No.44537

SMN

VB/MR/SAR1/19.02.2018/3P/5C

JUDGMENT MADE IN
W.A(MD)No.2 of 2018
and
C.M.P(MD)No.27 of 2018
25.01.2018