



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.911 of 2018

V.Elango

... Petitioner

Vs.

1. The Government of Tamilnadu,
By its Secretary,
Forest and Environment Department,
Chennai.

2. The District Forest Officer,
Tiruchirappalli Division,
District Court Campus,
Tiruchirappalli.

3. The Project Director,
NHAI,
No.6, 1st Floor,
3rd Main Road,
Pon Nagar,
Tiruchirappalli.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to pay the water charges for maintaining the median plantation by forest department for the period of 3 months (April, May, June-2013) to the petitioner as per the letter of the 2nd respondent dated 17.10.2013.

For Petitioner : Mr.S.Muthukrishnan

For R1 & R2 : Mrs.S.Srimathy, Spl.G.P.

Fro R3 : Mr.R.Rajagopal.

ORDER

The petitioner is a retired Forest Range Officer. There was an understanding between NHA and the second respondent with regard to the maintenance of median plantations in N.H.45 B.



2.The grievance of the writ petitioner is that during the relevant period, he was directed to maintain median plantations through sub-contractors and the sub-contractors incurred expenditure. But there was a delay in making payment to them. Hence, the sub-contractors gave pressure on the writ petitioner. According to the writ petitioner, the then District Forest Officer, Trichirappalli, asked him to compensate the contractors directly and thereafter, reimbursement to the writ petitioner would be effected later as and when the fund is released by the third respondent.

3.According to the writ petitioner, based on the aforesaid oral instruction of the then District Forest Officer, the writ petitioner settled the claim of the contractors.

4.On account of non-release of fund by the third respondent, the writ petitioner has been put into financial crisis. In this regard, the writ petitioner submitted a representation and also issued legal notices. Since there was no response, this writ petition has been filed.

5.It is seen from the communication exchanged between the third respondent and the second respondent, that there was an instruction to maintain median plantation in N.H.45 B during the year 2013. It is also seen that substantial amount was incurred towards field working, watering of plants, supervision, etc and the second respondent has already effected a communication in this regard to the third respondent as early as on 17.10.2013.

6.In view of the above, the third respondent is directed to look into the matter and after determining the amount payable, disburse the said amount in favour of the second respondent. This direction shall be complied within a period of three months from the date of receipt of copy of this order. It is for the writ petitioner to approach the second respondent for releasing of the fund. The writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(AE)

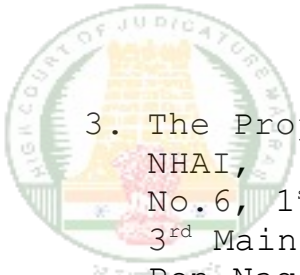
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Sub Assistant Registrar

To

1. The Secretary,
Forest and Environment Department,
Chennai.

2. The District Forest Officer,
Trichirappalli Division,
District Court Campus,
Tiruchirappalli.



3. The Project Director,
NHAI,
No.6, 1st Floor,
3rd Main Road,
Pon Nagar,
Tiruchirappalli.

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+ 1 cc TO Mr.R.Rajagopal , Advocate in SR No. 58186
+ 1 cc TO Mr.S.Muthu Krishnan , Advocate in SR No. 58197
+ 1 cc TO The Special Government Pleader in SR No. 59227

GNS

AE/SV MMS/SAR1/05.06.2018/3P/7C

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