



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 21.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

W.P. (MD) No.22037 of 2017

WEB COPY

1.R.Pasupathi

2.S.K.Manickavasagan

3.B.Thirupathirayar

4.P.Sheik Mohideen

... Petitioners

Vs.

1. Government of India,

Rep. by the Principal Secretary,

Ministry of Environment, Forest and Climate Change,

Indira Paryavaran Bhavan, Jorbagh Road,

New Delhi.

2. Government of Tamil Nadu,

Rep. by the Principal Secretary,

Environment and Forests Department,

Secretariat, Chennai-600 009.

3. Principal Chief Conservator of Forests (Head of Forest Force),

O/o The Principal Chief Conservator of Forests,

Panagal Maligai, Saidapet, Chennai-600 015.

4. Additional Principal Chief Conservator of Forests

(Forest Conservation Act), Panagal Maligai,

Saidapet, Chennai-600 0015.

5. The District Forest Officer,

(Wild Life Warden)

Theni District.

6. The District Collector,

Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent No.1 to provide access to the agricultural patta lands of the petitioners by permitting the right to use and maintain the motorable passage as per the existing records from Upper Mannalar, via Campshed until the 29th Revenue block, comprising the Survey numbers 200, 199, 351, 1411 and 1401 in Megamalai Village (29th Revenue Block), Andipatti taluk, Theni District within the time stipulated by this Court.

For Petitioners : Mr.S.Ajay Justice

<https://hcservices.ecourts.gov.in/hcservices/> From R2 to R6: Mr.Aayiram K.Selvakumar,
Additional Government Pleader

For R1

: No Appearance

**ORDER**

According to the Writ Petitioners, they are having lands in Survey No.1401 in Megamalai Village, (29th Revenue Block), Andipatti Taluk, Theni District and they have been cultivating crops like coffee, cardamom, oranges, organic agricultural products etc., in the above said land. They are accessing the Old Vellimalai Road situated in Kerala State, via 'Campshed' and 'Othaikudisai' to reach their agricultural land. Recently the petitioners have come to know that there was a old forest pathway in the revenue records. In the above circumstances, the petitioners sent a representation to the respondents seeking permission to use the old passage existing in the revenue records from Upper Mannalar, via Campshed until the 29th Revenue block comprising the Survey Nos.200, 199, 351, 1411 and 1401 in Megamalai Village (29th Revenue Block), Andipatti Taluk, Theni District, on 03.10.2017. So far no order has been passed on the said representation. Hence, he filed the present writ petition.

2.Considering the above circumstances of the case, without going into the merits of the case, since the petitioner's representation is pending with the respondents particularly with the fifth respondent, the fifth respondent is directed to consider the representation of the petitioner dated 03.10.2017 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

3.With the above direction, this Writ Petition is disposed of. No costs. Consequently, W.M.P.(MD)No.18336 of 2017 is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. Government of India,
Rep. by the Principal Secretary,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhavan, Jorbagh Road,
New Delhi.
2. The Principal Secretary,
Environment and Forests Department,
Secretariat, Chennai-600 009.
3. Principal Chief Conservator of Forests (Head of Forest Force),
O/o The Principal Chief Conservator of Forests,
Panagal Maligai, Saidapet, Chennai-600 015.



4. Additioanl Principal Chief Conservator of Forests
(Forest Conservation Act), Panagal Maligai,
Saidapet, Chennai-600 0015.

5. The District Collector,
Theni District.

6. The District Forest Officer,
(Wild Life Warden)
Theni District.

+1cc to Mr.J.Pandi Durai, Advocate Sr.No.57018

+1cc to Spl.Government Pleader Sr.No. 57640

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VB/SKN/RSK/SAR1/25.04.2018/3P/9c

W.P. (MD) No.22037 of 2017
21.03.2018