



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.07.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21731 of 2009

D.Muniraj

... Petitioner

Vs.

1.The District Forest Officer,
Dharmapuri,
Dharmapuri District.

2.The Forest Ranger,
Hogenakkal,
Hogenakkal Range,
Dharmapuri District.

3.The District Collector,
Dharmapuri,
Dharmapuri District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents 1 and 2 or their men from interfering with the petitioner's peaceful possession and enjoyment of the property having an extent of 450 sq.ft. of land comprised in Survey No.1103/11 Hogenakkal Village, Pennagaram Taluk, Dharmapuri District, except due process of law.

For Petitioner : Mr.V.R.Anna Gandhi
For Respondents : Mr.G.B.Rajesh for R1 and R2
Government Advocate
Mr.J.Ramesh for R3
Additional Government Pleader

O R D E R

The petitioner has filed this petition seeking issuance of Writ of Mandamus, forbearing the respondents 1 and 2 or their men from interfering with the petitioner's peaceful possession and enjoyment of the property having an extent of 450 sq.ft. of land comprised in Survey No.1103/11 Hogenakkal Village, Pennagaram Taluk, Dharmapuri District, except due process of law.



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2.The case of the petitioner is that he occupied an extent of 450 sq.ft. of Government poromboke land comprised in Survey No.1103/11 Hogenakkal Village, Pennagaram Taluk, Dharmapuri District and had constructed a house and residing there with his family for about 35 years. Since the third respondent has threatened the petitioner of dispossession, the petitioner has filed this writ petition.

3.The learned Government Advocate appearing for the respondents 1 and 2, today, produced a letter dated 07.07.2019 from the District Forest Officer, Dharmapuri, addressed to the Government Advocate (Forests), wherein, it is stated that the petitioner's property is located along the road which is leading to waterfalls and it is within the dis-reserved portion of Woddapatty Reserve Forests.

4.In the letter dated 07.07.2019, it is further stated that now the dis-reserved portion was surveyed and demarcated with boundary cairns were constructed along the forest boundaries and the petitioner's location was very close to the natural boundary i.e., River Cauvery. Hence, eviction notice was issued by the Forest Department instead of Revenue Department in the assumption of reserved forests.

5.In the letter dated 07.07.2019, it is further stated that further attempts to evict the petitioner will not be made under Section 68 A of the Tamil Nadu Forest Act, 1882 by the respondents.

6.In view of the above, the apprehension of the petitioner is not justified. The writ petition is accordingly closed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The District Forest Officer,
Dharmapuri,
Dharmapuri District.



WEB COPY

2.The Forest Ranger,
Hogenakkal,
Hogenakkal Range,
Dharmapuri District.

3.The District Collector,
Dharmapuri,
Dharmapuri District.

+1cc to Mr.V.R.Anna Gandhi , Advocate SR.No. 57131

+1 cc to Spl Government Pleader Sr.No. 57256

W.P.No.21731 of 2009

A.SK(13/08/2019)