



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 34193 of 2004
and
WPMP.41307 of 2004

I.Doraiswamy

... Petitioner

Vs

1. The District Collector cum Chairman
of the Committee,
under the Tamil Nadu Hill Areas
(Preservation of Trees) Act, 1955,
Nilgiris District.
2. The District Forest Officer,
Nilgiris North Division,
Udagamandalam,
The Nilgiris.
3. The Forest Range Officer,
Nilgiris North Division,
Forest Department,
Kotagiri,
The Nilgiris.
4. The Tahsildar,
Kotagiri Taluk,
The Nilgiris.
5. The Principal Chief Conservator of Forests,
Chennai. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 1st respondent in Rc.A.4/SR.68/03, dated 12.10.2004 and the further order passed by the 1st respondent in Rc.A.4SR. 68/03, dt. 27.10.2004 and quash the same and direct the Committee under the Tamil Nadu Hill Areas (Preservation of Trees) Act, 1955 under the Chairmanship of the 1st respondent to accord permission to the petitioner to cut and remove the wind fallen two rose wood trees in the



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Patta lands comprised in S.No.102, Jakkanarai Village, Kotagiri Taluk, Nilgiris District.

For Petitioner : Ms.S.Mahalakshmi for
Ms.R.Gouri

For Respondents : Mr.J.Ramesh,
Addl. Govt. Pleader for R1

Mr.G.B.Rajesh, Govt. Pleader
(Forest) for R2 to R5

O R D E R

This Writ Petition has been filed seeking a direction directing the 1st respondent to consider the petitioner's application dated 20.12.2006 submitted in Form No.1 of Rule 5 and Sec.3(1)(b) of Tamil Nadu Hill Areas (Preservation of Trees) Act, 1955 and grant permission to the petitioner to cut and remove the wind fallen rose wood tree in Survey No.102, Jackanarai Village, Kotagiri Taluk, The Nilgiris District within a time stipulated by this Court.

2. The case of the petitioner is that he is one of the co-owner/co-pattadar of the land and he has filed this Writ Petition before this Court seeking to grant permission for removal of wind fallen rose wood trees in the patta land comprised in Old Survey No.102 (new Survey No.274/3) of Jackanarai Village, Kotagiri Taluk, Nilgiris District. Initially, the forest department has objected saying that the forest department is entitled to collect royalty charges from the petitioner. Accordingly, this Court by an order dated 21.08.2008 directed the petitioner to furnish bank guarantee for a sum of Rs.9000/- and a personal bond for the remaining amount of Rs.9000/-. Thereafter, after furnishing the bank guarantee, the petitioner is permitted to remove one wind fallen Rosewood tree and thus, by way of an interim order, the wind fallen Rosewood tree is removed by the petitioner and remaining question has to be decided in the present Writ Petition is that whether the Forest department is entitled to collect royalty charges from the petitioner.

3. Today, when the matter came up for hearing, Ms.S.Mahalakshmi, learned counsel appearing for the petitioner has produced a copy of letter dated 19.06.2019, wherein the District Forest Officer, Nilgiris Forest Division, Udthagamandalam has stated that under the Tamil Nadu Hill Area (Preservation of Trees) Act, 1955 and Tamil Nadu Rosewood (Conservation) Act, 1994, there is no provision to collect royalty from the petitioner.



4. In view of the above, the bank guarantee obtained from the petitioner need not be encashed and the petitioner is entitled to get back the bank guarantee furnished by him. Hence, nothing survives for further adjudication in this Writ Petition. With the above said observation, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rpp
To

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of the Committee,
under the Tamil Nadu Hill Areas
(Preservation of Trees) Act, 1955,
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Udagamandalam,
The Nilgiris.
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Nilgiris North Division,
Forest Department,
Kotagiri,
The Nilgiris.
4. The Tahsildar,
Kotagiri Taluk,
The Nilgiris.
5. The Principal Chief Conservator of Forests,
Chennai.

+1 cc to SPL Government Pleader Sr.No. 50303
+1cc to Ms.R.Gouri, Advocate SR.No. 51263

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A.SK(16/07/2019)