

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P. No.4271 of 2019 and
W.M.P.Nos.4810 & 4812 of 2019

Franchis @ Jayakumar

.. Petitioner

Vs.

1.The Secretary to Government
Revenue Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

2.The Principal Chief Conservator of Forests,
Chennai - 600 015.

3.The District Collector,
Thiruvallur District,
Thiruvallur.

4.The Tahsildar,
Tiruthani Taluk,
Tiruthani, Tiruvallure District.

5.The District Forest Officer,
Tiruvallur District, Tiruvallur.

6.The Forest Ranger Officer,
Tiruthani Range, Tiruthani,
Tiruvallur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of certiorarified mandamus to call for the records of the 3rd respondent relating to the impugned proceeding Na.Ka.No.339/84, Va.Ni.A dated 23.02.2009 and quash the same and consequently direct the respondents from evicting or dismantling the petitioner from the property situated at Tiruvallur District, Tiruthani Taluk, Tiruthani bearing Door No.25, K.K.Nagar, Chitoor Road, comprised in Survey No.334/1 of an extent of 0.01.0 hectares.

For Petitioner : Mr.N.Selvaraju

For Respondents : Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c) (R1, R3 & R4)

Mr.Vijay Prashanth, (R2, R5 & R6)
Additional Government Pleader(Forest)

O R D E R

(ORDER OF THE COURT MADE BY THE HON'BLE CHIEF JUSTICE
AND M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of certiorarified mandamus to call for the records relating to the impugned proceeding dated 23.02.2009 and to quash the same and to consequently direct the respondents from evicting or dismantling the petitioner from the property situated at Tiruvallur District, Tiruthani Taluk, Tiruthani bearing Door No.25, K.K.Nagar, Chitoor Road, comprised in Survey No.334/1 of an extent of 0.01.0 hectares.

2.The petitioner has challenged the order dated 23.02.2009 passed by the 3rd respondent after a lapse of nearly ten years.

3.The learned counsel appearing for the petitioner submitted that the petitioner was not aware of the order dated 23.02.2009, therefore, he could not file the Writ Petition challenging the said order immediately.

4.But on a perusal of the materials available on record, it could be seen that even a copy of the order dated 23.02.2009 was sent to the petitioner. That apart, the petitioner has filed Writ Petition in W.P.No.25300 of 2009 and also W.P.Nos.26098 & 26099 of 2007 before this Court in respect of the very same lands. In spite of prosecuting the other Writ Petitions, the petitioner chose not to challenge the impugned order dated 23.02.2009 till 08.02.2019. In these circumstances, the Writ Petition is liable to be rejected on the ground of laches.

5.That apart, the 3rd respondent viz., the District Collector, by order dated 23.02.2009, has categorically stated that the petitioner has encroached the land in the Reserved Forest and therefore, no indulgence be shown to him. The District Collector, after considering all aspects, rightly came to the conclusion that the land in possession of the petitioner is in Reserved Forest Area. The petitioner is not in a position to establish anything contrary to the finding of the District Collector.

6.In these circumstances, we do not find any merits in the Writ Petition. Accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government
Revenue Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
- 2.The Principal Chief Conservator of Forests,
Chennai - 600 015.
- 3.The District Collector,
Thiruvallur District,
Thiruvallur.
- 4.The Tahsildar,
Tiruthani Taluk,
Tiruthani,
Tiruvallore District.
- 5.The District Forest Officer,
Tiruvallur District,
Tiruvallur.
- 6.The Forest Ranger Officer,
Tiruthani Range, Tiruthani,
Tiruvallur District.

+1cc to Mr.N.Selvaraju, Advocate, S.R.No.17988
+1cc to the Special Government Pleader, S.R.No.17769
+1cc to the Government Pleader, S.R.No.18182

W.P.No.4271 of 2019 and
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BR(CO)

rrs 21/03/2019