



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.07.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.12872 of 2019

K.Ramalingam

...Petitioner

Vs

1.The District Collector,
Villupuram District,
Villupuram.

2.The Tahsildar,
Sankarapuram Taluk,
Sankarapuram,
Villupuram District.

3.The Conservator of Forest,
Trichy Circle,
Trichy.

4.The District Forest Officer,
Kallakurichi,
Villupuram District

... Respondents

Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents not to evict the petitioner from his land measuring to an extent of 1.45.0 Hectares in Survey No.59/3 situated at Pachery village, Sankarapuram Taluk, Villupuram District without due process of law.

For petitioner : No appearance
For R1 & R2 : Mr.N.Inbanathan
Additional Government Pleader
For R3 & R4 : Mr.G.B.Rajesh,
Government Advocate (Forest)

O R D E R

There is no representation for the petitioner.

2. Perusal of the affidavit indicates that the petitioner claims the portion of the land in Survey No.59/3 situated at



Pachery village, Sankarapuram Taluk, Villupuram District and he alleges that the fourth respondent forcibly entered into the land, damaged thatched shed and forced the petitioner to vacate.

3. Whereas in the counter filed by the fourth respondent, it is stated that the land mentioned by the petitioner herein is the subject matter of the land acquisition proceedings initiated by the Forest department under the G.O.Ms.No.471 Forest and Fisheries Department dated 20.04.1983,. Thereafter, proclamation under Section 6 of the Act, the entire land was declared as forest land.

4. Pursuant to the acquisition, the occupant of the land was paid compensation. So acquisition proceedings to an extent of 00.87.0 hectares in the entire land is under the control of Forest Department. As far as the Survey No.59/3 is concerned, one Mr.Kangani Kuppan S/o.Thoopulan was in possession of 0.58.00 hectares in the total extent of 1.45.00 hectares. While so, the petitioner claim over the entire extent of 105 hectare is baseless. The acquisition of the land was done by the forest department after following the procedure contemplated under the land acquisition Act, However, without challenging the acquisition proceedings, the petitioner now make an attempt to re claim the land which already acquired. Further, the land has now become the property of the Government and declared as Reserved Forest, in order to protect forest ecology and to preserve the rare species of animals and birds.

5. In view of the above facts, narrated in the counter affidavit, this Court finds no merit in this writ petition and the same is dismissed. No costs.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

rpl

To

1.The District Collector,
Villupuram District,
Villupuram.

2.The Tahsildar,
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Sankarapuram,
Villupuram District.



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Trichy Circle,
Trichy.

4.The District Forest Officer,
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+1 CC to Mr.R. Prabhudoss, Advocate sr 59075.

+1 CC to Govt. Pleader sr 58608.

+1 CC to Spl. Govt. Pleader sr 58278.

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LN(CO)
SP(02/08/2019)