

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.08.2019

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.17616 of 2019
and
W.M.P.No.17076 of 2019

V.Saravanan

... Petitioner

/Vs./

- 1.The State of Tamil Nadu rep. by
Its Deputy Secretary to Government
Environment & Forests (FR3) Dept
Secretariat, St. Fort George, Chennai-9
- 2.The District Collector and
Chairman of District Forest Committee
Namakkal District
- 3.Principal Chief Conservator of Forests, HoFF
Tamil Nadu Forest Department
No.1, Jennis Road
Panagal Maligai Building
Saidapet, Chennai 600 015
- 4.Vazhavandhinadu Panchayat rep. by its
Block Development Officer
Vazhavandhinadu Village
Kollimalai Panchayat Union
Kollimalai
Namakkal District

... Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent made in Letter No.18755/FR3/07-2 dated 30.08.2007 and quash the same and consequently direct the respondents to issue tree cutting order in the petitioner favour to cut the 1707 Eucalyptus trees and 955 Pine Trees situated in Survey No.466, Vazhavandhinadu Village, Namakkal District.

For petitioner : Mrs.Selvi George

For Respondents : Mr.N.Inbanathan, AGP for R2
Ms.Thangavadhana Balakrishnan
for R1, R3 & R4

O R D E R

The writ petition has been filed by the petitioner for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent made in Letter No.18755/FR3/07-2 dated 30.08.2007 and quash the same and consequently direct the respondents to issue tree cutting order in the petitioner favour to cut 1707 Eucalyptus trees and 955 Pine Trees situated in Survey No.466, Vazhavandhinadu Village, Namakkal District.

2.According to the petitioner, he was the successful bidder in the auction conducted on 28.06.2007 by the Forest Department to cut 1707 Eucalyptus trees and 955 Pine Trees situated in Survey No.466, Vazhavandhinadu Village, Namakkal District. The petitioner deposited the entire bid amount but the tree cutting order was not issued.

3.According to the respondents, due to prohibition issued under Section 3, the auction notification was subjected to scrutiny and the Forest Department found that it is not permissible to proceed with the tender. The letter from the Department to the Principal Chief Conservator of Forests dated 30.08.2007 relied by the respondent which reads as below:

"3.I am directed to request you to communicate the following advice put forth in your letter first cited to the Collecior of Namakkal District for necessary action:-

The Eucalyptus plantation (Eucalyptus hybrid) in an area of 14.2ha with the expected volume of 723 M3 may be allotted to the Tamil Nadu Paper Limited as, pulpwood as is very much required by Tamil Nadu Paper Limited, at the rate already fixed by the Government at Rs.1800 per MT.

The amount so realized may be shared between panchayat and Forest Department in the ratio of 75:25 of the net collection. However, the expenditure on wages should be capped at 35% of the gross collection, above when it should be borne by the Government. These norms have been accepted by the Government, based on the recommendation of the

3rd State Finance Commission constituted as per the G.O.Ms.573, Finance (FC-IV) Department, Dated 1.12.2004.

As far as the Pinus Carribea plantation (10.00 ha) is concerned, that this plantation should be retained, as it is of very rare tropical pines not found in India and raised way back in 1981. This species is very important considering the aesthetic, value it gives to this, hill tract and its vital ecological processes.

4.This was in pursuant to the Government order G.O.Ms.No.426, dated 25.04.1977 and other Government orders issued by the Forest Department from time to time. The learned counsel for the respondents also circulated a letter of the District Forest Officer to the Principal Chief Conservator of Forests dated 03.08.2019, wherein, it is stated that a sum of Rs.17,02,000/- deposited by the petitioner herein towards the bid amount is kept in the bank deposit and as on 02.08.2019 the deposited amount along with accrued interest has matured to a sum of Rs.28,46,177/-, is available in the bank and the same may be released in favour of the petitioner.

5.In the light of the above fact, since the auction took place in the year 2007 and due to subsequent Government orders and instructions, the petitioner was deprived of cutting order. After a lapse of twelve years, the petitioner's request cannot be considered but further the money deposited by the petitioner bound to be returned to the petitioner. Fortunately, the respondent has kept the money in a bank deposit which has also accrued some interest and the petitioner is entitled for the accrued interest also.

6.In the said circumstances, the petitioner shall approach the 4th respondent to get back the money with the accrued interest. If such request is made, the 4th respondent shall arrange the payment.

7.With the above direction, this Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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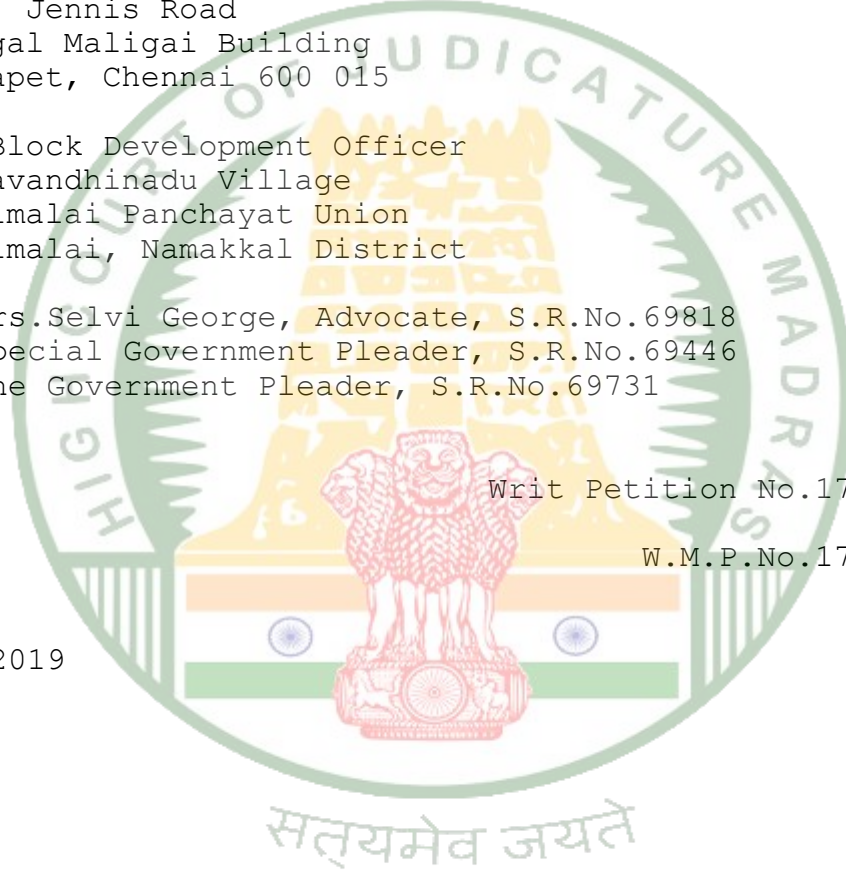
To.

1. The Deputy Secretary to Government
Environment & Forests (FR3) Dept
Secretariat, St. Fort George, Chennai-9
2. The District Collector and
Chairman of District Forest Committee
Namakkal District
3. Principal Chief Conservator of Forests, HoFF
Tamil Nadu Forest Department
No.1, Jennis Road
Panagal Maligai Building
Saidapet, Chennai 600 015
4. The Block Development Officer
Vazhavandhinadu Village
Kollimalai Panchayat Union
Kollimalai, Namakkal District

+1cc to Mrs.Selvi George, Advocate, S.R.No.69818
+1cc to Special Government Pleader, S.R.No.69446
+1cc to the Government Pleader, S.R.No.69731

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JP (CO)
CS/20/09/2019



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