

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2019

CORAM :

THE HON'BLE DR.VINEET KOTHARI, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.29263 of 2019

P.Selvakumar

.. Petitioner

Vs

1. The Forest Range Officer
Serviroys South Range
Salem - 7.

2. The Tahsildar
Omalur Taluk
Salem District.

(R2 - Suo motu impleaded
by the order dated 14.10.2019)

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issue of writ of certiorari to call for the records of the respondent notice dated 23.09.2019 in Na.Ka.No.475 of 2019 and quash the same.

For Petitioner : Mr.B.Nedunchezhiyan

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

The petitioner is aggrieved in the present writ petition with the notice dated 23.9.2019 issued by the Forest Range Officer, Servarayan South Range, Salem, under Section 68A of the Tamil Nadu Forest Act, 1982, seeking to evict the petitioner from the land in question, in pursuance of the directions of the Hon'ble Supreme Court in S.L.P. (Civil) Diary No.23221 of 2019, dated 2.8.2019.

2. The petitioner has filed his reply or objections thereto vide his letter dated 28.9.2019, but the same has not been so far decided by the concerned Forest Range Officer.

3. The learned Government Pleader, Mr.V.Jayaprakash Narayanan, submitted that the concerned authority to decide the exact limits of the land encroached is the concerned Tahsildar, Omalur Taluk, Salem District. Therefore, this Court suo motu impleads the Tahsildar, Omalur Taluk, Salem District as party respondent in this writ petition.

4. In these circumstances, we dispose of the writ petition by relegating the petitioner first to the Forest Range Officer, Salem, who will pass appropriate speaking order in the matter considering the reply or objections of the petitioner dated 28.9.2019. The petitioner will be free to adduce his evidence before the said official. In case, the petitioner is not satisfied with the order passed by the Forest Range Officer, Salem, the matter may be referred to the concerned Tahsildar, Omalur Taluk, Salem District, who will hear the petitioner and the concerned Forest Range Officer and decide the fact about the exact encroachment, if any, made by the petitioner over the forest land. The petitioner may appear before the Forest Range Officer, Seravarayan South Range, Salem, in the first instance on 14.11.2019. Both the concerned Forest Range Officer, Seravarayan South Range, Salem and the Tahsildar, Omalur Taluk, Salem District, will decide the issue within outer limit of three months from today.

With these observations, the writ petition is disposed of. No costs. Consequently, W.M.P.No.29066 of 2019 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The Forest Range Officer
Seravarayan South Range, Salem - 7.
2. The Tahsildar
Omalur Taluk, Salem District.

+1 cc to M/s.B.Nedunchezhiyan, Advocate Sr.No. 85804

+1 cc to The Special Government Pleader Sr.No.85881

AKM/23.10.19/2P-5C /

W.P.No.29263 of 2019