

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2019

CORAM:

THE HONOURABLE Mr. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE Mr. JUSTICE N.SESHASAYEE

W.P.No.31316 of 2019

P.Madhu

.. Petitioner

Vs

1.The District Forest Officer
IFF Division
Salem - 636 007.

2.The PWD Officer
PWD Office
Adikala Nagar
Hasthampatti
Salem - 636 007.

3.The Forest Ranger
Forest IFF Division
Valapady, Seshanchavadi
Salem District

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1 to 3 respondents to consider the petitioner representation dated 04.10.2019.

For Petitioner : Mr.S.Udayakumar
for M/s.Karan and Uday

For Respondents : Mr.S.V.Vijay Prasanth
Additional Govt. Pleader (Forest)
For R1 & R3
Mr.P.S.Shivashanmuga Sundaram
Special Govt. Pleader [for R2]

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner claims to be the Hereditary Poosari and Administrator of the Arulmighu Sri Bala Thandayuthapani Thirukoil situated in S.No.3/1 of Forest Land Vadukanthampatty Village, Karumgaradu Forest, Salem District and according to him, as per the Tamil Nadu Government Gazette dated 10.04.1991, there exists administrative rights with regard to the Dhandayuthapani Idumban Vinayagar Temple situated on the western side of the hill, as well as the right of path leading to the said temple, to enable the devotees to reach and worship the Presiding Deity and the breadth of the temple path is 20 links.

2. The learned counsel appearing for the petitioner has drawn the attention of this Court to the photographs made available at page nos.7 & 8 of the typed set of papers and would submit that the alleged pathway is full of boulders and to set right the same, the petitioner has submitted his representation dated 04.10.2019, seeking permission to lay the metal/pucca road and despite receipt and acknowledgment, no response is forthcoming and therefore, constrained to approach this Court in the present writ petition.

3. Per contra, Mr.S.V.Vijay Prasanth, learned Additional Government Pleader (Forest) appearing for the respondents 1 and 3, on instructions would submit necessary applications have to be submitted through online to the District Forest Officer, seeking permission to lay the road along with necessary and relevant details in support of the application, and as and when the application was received, it will be considered by the authority and will be disposed of at an early date.

4. This Court, heard the rival submissions and also perused the materials placed before it.

5. Though the petitioner prays for a larger relief, this Court in the light of the above facts and circumstances, and without going into the merits of the case projected by the petitioner, permits the petitioner to submit an application through online to the District Forest Officer, Salem, along with authenticated supporting documents within a period of two weeks from the date of receipt of a copy of this order and the said official on receipt of the application, is directed to consider the claim of the petitioner, on merits and in accordance with law and pass appropriate orders, within a period of eight weeks thereafter, and communicate the decision taken to the petitioner.

6. With the above directions, this writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1.The District Forest Officer
IFF Division
Salem - 636 007.

2.The PWD Officer
PWD Office
Adikala Nagar
Hasthampatti
Salem - 636 007.

3.The Forest Ranger
Forest IFF Division
Valapady, Seshanchavadi
Salem District

+1 cc to M/s.Karan and Uday, Advocate Sr.No.92445

+1 cc to The Government Pleader Sr.No. 93054

+1 cc to The Additional Government Pleader(Fores) Sr.No. 92699

AKM/02.12.19/3P- 7C /

W.P.No.31316 of 2019

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