

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.38449 of 2004

Dharmamurthi Rao Bahadur Calavala
Cunnam Chetty's Hindu College
Pattabiram, Chennai-72.
Rep.by its Honorary Secretary
Mr.M.Venkatesa Perumal.

...Petitioner

vs.

1. The State of Tamil Nadu
Rep.by the Secretary
Revenue Department
Fort St.George
Chennai-600 009.

2. The State of Tamil Nadu
Rep.by the Secretary
Environment and Forest Department,
Fort St.George,
Chennai-600 009.

3. The State of Tamil Nadu
Rep.by the Special Commissioner,
Land Administration,
Chennai-600 005.

4. The District Collector
Tiruvallur District,
Tiruvallur.

5. The District Forest Officer,
Chenglepet Division,
Kancheepuram.

6. The District Forest Officer,
Tiruvallur District, Tiruvallur.

... Respondents

(R6 impleaded as per order of this court dt 24/10/07)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the lands situate in Survey No.492/A1 of Thandurai Village, Ponnammalle Circle, Thiruvallur Taluk and District in impugned letter No.NAKA 6060/03 dated

18.06.2004 issued by the District Forest Officer, Chenglepet Circle, Kancheepuram, the fifth respondent and quash the letter dated 18.06.2004.

For Petitioner : Mr.R.S.Jeevarathanam

For Respondents : Mr.J.Ramesh,
Additional Government Pleader
for R1 to R5.
Mr.G.B.Rajesh,
Government Advocate
for R6.

O R D E R

This writ petition has been filed for issuance of a Writ of Certiorari, to call for the records pertaining to the lands situate in Survey No.492/A1 of Thandurai Village, Ponnammalle Circle, Thiruvallur Taluk and District in impugned letter No.NAKA 6060/03 dated 18.06.2004 issued by the District Forest Officer, Chenglepet Circle, Kancheepuram, the fifth respondent and quash the letter dated 18.06.2004.

2. The learned Counsel appearing for the petitioner would submit that in respect of the very same land, the State ordered for resumption in G.O.No.233 dated 11.05.2004 issued by the Secretary, Revenue Department, State of Tamil Nadu. The said order was challenged by the petitioner in W.P.No.15221 of 2004, wherein it is stated that the petitioner is not disputing the point that the excess lands can be resumed by the Government for implementation of other policies or schemes. However, the writ petitioner is entitled for an opportunity to explain their stand before the competent authorities. But the respondent has not given any opportunity to the petitioner before passing Order, and therefore, the matter should be remanded back to the respondent for complying with the principles of natural justice.

3. The learned counsel for the respondents would submit that the fifth respondent in his letter No.NAKA No.6060/03 dated 18.06.2004 has stated that as per the present Act order, only after obtaining the permission of Central Government, the forest land could be allotted. So the petitioner without any further delay, could sent a petition under the Central Forest Conservation Act 1980 within 15 days, failing which continuous action would be taken and the college would be evicted from the premises.

4. So, in view of the above lines, this Court is inclined to grant liberty to the petitioner to file an appropriate application under the Central Forest Conservation Act, 1980 within 15 days from the date of receipt of a copy of

this Order along with necessary documents, if any. The application filed by the petitioner will be forwarded to the Central Government Authorities, the same is applicable to the petitioner. Thereafter, the 6th respondent shall pass appropriate orders on merits and in accordance with law.

5. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssb
To

- 1.The Secretary to the Govt,
Government of Tamil Nadu,
Fort St.George, Chennai-9.
- 2.The Secretary,
Govt of TamilNadu Environment and
Forest Department, Fort St.George,
Chennai-9.
- 3.The Special Commissioner,
Government of Tamil Nadu,
land Administration,
Chennai-5.
- 4.The District Collector
Thiruvallur District,
Thiruvallur.
- 5.The District Forest Officer
Chengalpet Division,
Kanchipuram.
- 6.The District Forest Officer,
Thiruvallur District.

+1cc to M/S.Madurai Donti Reddy, Advocate SR.72529
+1cc to the Government pleader, SR.72935,74594

W.P.No.38449 of 2004

NRL (CO)
CB(11/10/2019)