



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twenty Second day of October Two Thousand and Twenty One

PRESENT

WEB COPY

The Hon`ble Mr.Justice R.SURESH KUMAR

REV.APLW(MD) No.61 of 2019
IN
WP(MD) No.12072 of 2019

- 1 THE CHIEF CONSERVATOR OF FORESTS AND FIELD DIRECTOR,
PROJECT TIGER,
KALAKAD MUNDUNTHURAI TIGER RESERVE,
N.G.O.COLONY, TIRUNELVELI 627 007
- 2 THE DISTRICT COLLECTOR
TIRUNELVELI DISTRICT,
TIRUNELVELI
- 3 THE DEPUTY DIRECTOR AND WILD LIFE WARDEN,
NO.11, AGASTHIYAR EAST STREET,
AMBASAMUDRAM 627 401
TIRUNELVELI DISTRICT.
- 4 THE DISTRICT ADI DRAVIDAR AND TRIBAL WELFARE OFFICER,
TIRUNELVELI DISTRICT
TIRUNELVELI.
- 5 THE FORESTER, MUNDANTHURAI FOREST OFFICE,
PAPANASAM MELANAI, AMBASAMUDRAM,
TIRUNELVELI DISTRICT. ... PETITIONERS/RESPONDENTS 1 TO 5

Vs

- 1 MARIAMMAL ... 1st RESPONDENT/PETITIONER
- 2 M.PALAVESAKANNU,
THE FORESTER,
MUNDANTHURAI FOREST OFFICE,
PAPANASAM MELANAI
AMBASAMUDRAM,
TIRUNELVELI DISTRICT. ... 6th RESPONDENT/6th RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to review the order made in WP(MD) No.12072 of 2019 dated 18.06.2019 on the file of this Hon'ble Court and allow this Review Application.



Prayer in WP(MD). 12072/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ mandamus, directing the fifth respondent to allow the petitioner to transport the construction materials to her house situated in No.36A, Agasthiyar Nagar kani Kudieruppu, Papanasam Melanai - Vikramasingapuram part- II, Ambasamudram - 627 425, Tirunelveli District through Mundanthurai Forest Check Post and Papanasam Forest Check Post as per the order passed by the third Respondent vide proceedings in Na.ka.No.Va/4125/2018 dated 25.03.2019 and further directing the first respondent to take action against the sixth Respondent for denying permission for transporting building materials despite the order passed by the third Respondent by considering the petitioner's representation, dated 23.04.2019.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.VEERA KATHIRAVAN, Additional Advocate General assisted by Mr.R.SURESH KUMAR, Government Advocate for the petitioners and the 1st Respondent not appeared either in person or by an advocate, the court made the following order:-

The review applicant/Government has come forward to allot alternative sites to the petitioner and similarly placed persons at Village called Vellanguli and the said move on the part of the review applicant since was not accepted or appreciated as no enthusiasm seems to have been shown by the petitioner and others, Mr.Veerakathiravan, learned Additional Advocate General appearing for the review applicant/ Government, on the other day, had submitted that this is the second attempt made by the Government to allot alternative sites at Vellanguli Village, however, the said offer seems to have not been accepted by the respondent/writ petitioner and other similarly placed persons and they have not come forward to accept the same.

2.At that juncture, when the case came up for hearing on 28.09.2021, Mr.R.Balakrishnan, learned counsel for the first respondent/writ petitioner would submit that the present offer made by the Government to provide alternative sites to the petitioner and other persons at Vellanguli Village is not known to him and in this regard, he has undertaken to give suitable advice to the petitioner and others, and after getting necessary instructions to that effect with regard to the acceptance of the petitioner and others, the alternative sites to be provided by the Government at Vellanguli Village, he would revert back and report before this Court.

3.However, when the case came up for hearing on 20.10.2021, there was no response from the writ petitioner side and the learned counsel also did not appear, therefore, this Court directed the matter to be listed today for passing appropriate orders, however, today also, when the case is taken up for hearing, there is no representation on behalf of the respondent/writ petitioner.



4. When that being the position, the Court cannot wait any further as the gesture shown by the Government to give alternative sites to the petitioner and the similarly placed persons, as they have to be evacuated from the Tiger Reserve Forest, has to be utilised by the petitioner and others and in this regard, it is open to the petitioner and others to receive and accept the alternative sites to be provided by the Government at Vellanguli Village and in this regard, the review applicant/State through the District Collector along with other officials of the Forest Department can convene a meeting of the petitioner and other villagers and declare what are all the piece of lands with survey numbers and extent that the Government proposed to allot as alternative sites at Vellanguli Village to the petitioner and others and thereafter, they can proceed to allot the same and after the allotment is over, by giving a reasonable time of three months to vacate the present dwelling areas in the Reserve Forest to shift in the newly allotted place, the review applicant/Government can proceed further to vacate them, if they are not voluntarily vacated the present occupation within the said stipulated time.

5. After making these compliance, a compliance report can be filed before this Court. For the said purpose, post the matter after four months, that is, in the month of March, 2022.

sd/-
22/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE CHIEF CONSERVATOR OF FORESTS AND FIELD DIRECTOR,
PROJECT TIGER,
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PJL
MS/PN/SAR-3/27.10.2021/4P.6C

ORDER
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REV.APLW(MD) No.61 of 2019
IN
WP(MD) No.12072 of 2019
Date :22/10/2021