



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.03.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.5609 of 2019

A.Arockiathai

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Forest Range Officer,
Chinnamanur Forest Range,
Theni District.

3.The Assistant Director,
Spices Board,
Ministry Commerce and Industry,
Government of India,
Nedumkandam,
Idukki District,
kerala State.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus by directing the first respondent to issue appropriate directions to the second respondent to permit the petitioner to transportation of construction materials and construction of water tank on the petitioner's property based on the petitioner's application dated 05.03.2019.

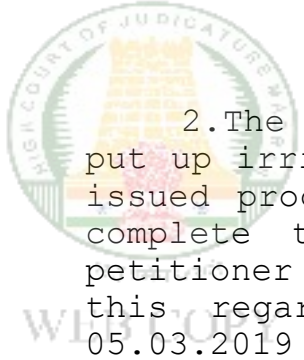
For Petitioner : Mr.P.Muthuvijayapandian

For 1st Respondent : Mr.R.Sethuraman
Special Government Pleader

For 3rd Respondent : Mr.I.Irulappan

For 2nd Respondent : Service awaited

ORDER



2.The petitioner has been permitted by the third respondent to put up irrigation water tank in his property. The third respondent issued proceedings dated 27.02.2019 calling upon the petitioner to complete the construction on or before 10.03.2019. But, the petitioner could not get clearance from the respondents 2 and 3 in this regard. The petitioner has given an application dated 05.03.2019 to the first respondent. Since no order was passed, this present writ petition has been filed.

3.When the matter was taken up for hearing today, Mr.R.Sethuraman, learned Special Government Pleader informs the Court that construction in a hill area requires clearance from the Haca Committee comprising the District Collector, Jurisdictional Tahsildar, an official from the Agricultural department and few other official representatives. Only if the Haca committee gives permission, the Forest Range Officer will be in a position to give permission to the petitioner to effect transportation of the construction materials. In this case, the Haca committee is yet to clear the petitioner's proposal. The learned Special Government Pleader would state that the Haca committee is due to meet only in the end of the month of May.

4.I am of the view, if clearance from Haca Committee is a pre-requisite, then the Haca committee will have to necessarily conduct a meeting atleast once in two months. The citizens cannot be made to writ indefinitely. When the Committee meets, it should dispose of all the pending applications. The first respondent herein shall ensure that the Haca Committee is convened and the petitioner's application is disposed of by the end of April 2019 itself. Since the only reason for the petitioner's inability to avail the permission given by the third respondent is non-issuance of permission by the Haca Committee, the permit order issued by the third respondent will be kept alive till then.

5.With the above direction, the writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

/ True Copy /

Sub Assistant Registrar(CS)

To

1.The District Collector,
Theni District,
Theni.



2.The Forest Range Officer,
Chinnamanur Forest Range,
Theni District.

3.The Assistant Director,
Spices Board,
Ministry Commerce and Industry,
Government of India,
Nedumkandam, Idukki District,
kerala State.

+1 CC to M/s.P.MUTHU VIJAYA PANDIAN, Advocate
(SR-55064[F] dated 19/03/2019)

+1 CC to M/s.SPL GP (SR-55327[F] dated 20/03/2019)

W.P. (MD) No.5609 of 2019
19.03.2019

ES/15.04.2019/3P/6C