



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2019

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. [MD]No.9648 of 2018

WEB COPY

Christopher

... Petitioner

Vs.

- 1.The District Collector,  
Collectorate, Nagercoil,  
Kanyakumari District.
- 2.District Revenue Officer,  
Collectorate, Nagercoil,  
Kanyakumari District.
- 3.The District Forest Officer,  
Collectorate, Nagercoil,  
Kanyakumari District.
- 4.The Environmental Engineer,  
Collectorate, Nagercoil,  
Kanyakumari District.
- 5.The Thasildhar,  
Taluk Office, Vilavancode Taluk,  
Kuzhithurai,  
Kanyakumari District.
- 6.Devarajan

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 5 to consider the petitioner's representation dated 12.06.2017.

For Petitioner : Mr.G.Cenil

For Respondents 1 to 5 : Mr.S.Angappan

Government Advocate

For Respondent No.6 : Mrs.P.Jessi Jeevapriya

### O R D E R

The petitioner is a tapper, who is engaged in the business of purchasing matured standing rubber trees for slaughter tapping under contract basis. The sixth respondent is the owner of rubber trees and the petitioner had entered into agreement with him on 16.08.2014, for tapping of the trees.



2.The petitioner appears to have come to know that the title claimed by the sixth respondent over the land admeasuring 6 acres and 68 cents in Re.Sy. No.200 of Kaliyal Village, upon which the trees stand was obtained fraudulently by him and the area was in fact notified as a private forest. In such a situation, the permission of the Special Committee constituted in terms of Section 2 (A) of the Tamil Nadu Preservation of Private Forest Act, 1949 [in short 'Act'] is a pre-requisite for dealing with trees standing therein. The petitioner has, in the light of the agreement entered into with the sixth respondent approached the Committee on 12.06.2017, to have his name included in the application filed by the sixth respondent before the Committee. This application is still pending disposal. Civil suits have also been filed *inter se* the parties, that are pending before the Civil Court, Kanyakumari District.

3.Be that as it may, with reference to the merits of the matter and the rights of the parties *inter alia*, respondents 1 to 5, constituting the Committee under Section 2 (A) of the Act, shall issue notice to the petitioner as well as the sixth respondent, call upon them to appear to make their submissions with regard to the *lis* in question and pass orders on the representation dated 17.02.2017 filed by the petitioner within a period of six weeks from the date of receipt of a copy of this order in accordance with law.

4.This writ petition is disposed of, in the aforesaid terms. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar (CS)

MR

To

1.The District Collector,  
Collectorate, Nagercoil,  
Kanyakumari District.

2.District Revenue Officer,  
Collectorate, Nagercoil,  
Kanyakumari District.

<https://hcservices.courts.gov.in/hcservices/>  
3.The District Forest Officer,  
Collectorate, Nagercoil,  
Kanyakumari District.



4.The Environmental Engineer,  
Collectorate, Nagercoil,  
Kanyakumari District.

5.The Thasildhar,  
Taluk Office, Vilavancode Taluk,  
Kuzhithurai,  
Kanyakumari District.

+1 CC to M/s.SPL GP ( SR-69789[F] dated 19/06/2019 )

+1 CC to M/s.G.CENIL, Advocate ( SR-70006[F] dated 20/06/2019 )

**W.P. [MD] No. 9648 of 2018**  
**18.06.2019**

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