



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.09.2019**

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.N.ANAND VENKATESHI**

W.P.(MD).No.19746 of 2019

and

W.M.P.(MD)No.16237 of 2019

M.Satheesh

... Petitioner

Vs.

1.Government of Tamil Nadu,
Represented by the Principal Chief Conservator
of Forests & Chief Wildlife Warden
Panagai Maligai
Saidapet, Chennai - 600 015

2.The District Collector,
Kanyakumari District

3.The District Forest Officer,
Kanyakumari District.

... Respondents

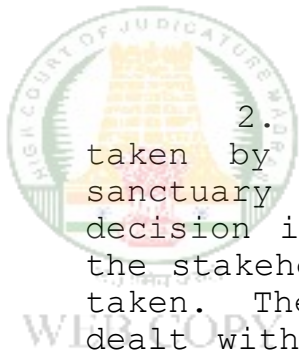
PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to conduct a public hearing / consultation on the issue of declaration of eco-sensitive zone around the Kanyakumari wildlife sanctuary by giving proper 30 days notice and to conduct the public hearing in each village in a manner known to law.

For Petitioner : Mr.Puhazh Gandhi

For Respondents : Mr.M.Murugan
Govt.Advocate

O R D E R

This Writ Petition has been filed challenging the Notice issued by the 3rd respondent, on the ground that the same is not in conformity with the Notification of Ministry of Environment and Forests, dated 19.01.2009.



2. The grievance of the petitioner is that steps are being taken by the respondents to reduce the size of the Wildlife sanctuary from 0-10 km., to 0-3 k.m., and in order to take a decision in that regard, a public hearing should be conducted and the stakeholders will have to be heard before the final decision is taken. The manner in which the public hearing is to be conducted is dealt with in the Notification of the Ministry of Environment and Forests, dated 19.01.2009 and the Office Memorandum of the Government of India, Ministry of Environment and Forests, dated 19.04.2010. According to the petitioner, this procedure has not followed and it involves the interest of 17 villages.

3. Mr.M.Murugan, the learned Government Advocate appearing on behalf of the respondents submitted that the meeting was called for yesterday and nearly 500 people and 7 M.L.As participated in the meeting. However, objections were raised to the effect that the meeting has to be held in every Village and that there is no sufficient representation for all the Villages. In view of the objections, the meeting was postponed.

4. In view of the above development, there is no requirement for this Court to go into the legality of the Notice that has been put to challenge in the present Writ Petition.

5. This Writ Petition is disposed of with a direction to the respondents to conduct the public meeting in future strictly in accordance with the procedure contemplated under Rule 3 of Notification of the Ministry of Environment and Forests, dated 19.01.2009 and Official Memorandum of the Government of India, Ministry of Environment and Forests, dated 19.04.2010 and ensure that there is wide publicity and participation of all the stakeholders. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Principal Chief Conservator
of Forests & Chief Wildlife Warden
Government of Tamil Nadu,
Panagai Maligai
Saidapet, Chennai - 600 015

2.The District Collector,
Kanyakumari District

<https://hcservices.ecourts.gov.in/hcservices/>



3.The District Forest Officer,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-87262[F] dated 17/09/2019)

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13.09.2019

mpk

JM/01.10.2019/3P/5C