



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .No.21773 of 2019

and

W.M.P. (MD) .Nos.18510 and 18511 of 2019

Thillai Natarajan

... Petitioner

Vs.

1.The Principal Chief Conservator of Forests,
(Head of the Forest Force)
No.1, Panagal Maligai,
8th Floor, Jennis Road,
Saidapettai, Chennai-600 015.

2.The Chief Conservator of Forests and
Joint Managing Director,
(Superintend and Vigilance)
Tamil Nadu Forest Plantation Corporation Limited,
No.1, Pangal Maligai,
8th Floor, Jennis Road,
Saidapettai, Chennai-600 015.

3.The Chief of Conservator of Forest,
Virudhunagar Circle,
The District Collector Office Campus,
Virudhunagar District.

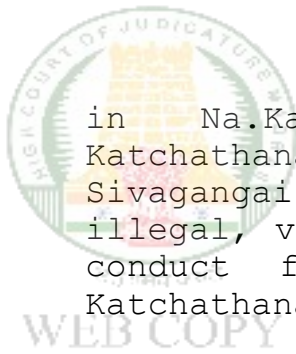
4.The District Collector,
Sivagangai District,
Sivagangai.

5.The District Forest Officer,
Sivagangai District,
Sivagangai.

6.The Tahsildar,
Ilayangudi Taluk,
Sivagangai District.

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating with auction notice issued by the 5th respondent



in Na.Ka.No.L/876/2018 dated 28.08.2018 in respect of Katchathanallur Kanmai, Katchathanallur, Ilayankudi Taluk, Sivagangai District to an extent of 20.75 and quash the same as illegal, void and arbitrary and directing the respondents 1 to 6 to conduct fresh auction in respect of Katchathanallur Kanmai, Katchathanallur, Ilayankudi Taluk, Sivagangai District.

For Petitioner :Mr.S.Saravanakumar
For R1 to R3 :Mr.S.Murugan
Government Advocate

ORDER

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.S.Saravanakumar, learned counsel appearing for the petitioner and Mr.S.Murugan, learned Government Advocate appearing for the respondents.

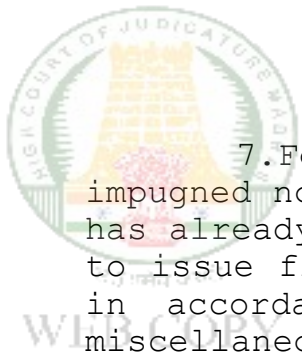
2.By consent on either side, this writ petition is taken up for disposal.

3.The petitioner has filed this writ petition challenging the auction notice issued by the fifth respondent dated 28.08.2018 in respect of Katchathanallur Kanmai, Katchathanallur, Ilayankudi Taluk, Sivagangai District.

4.By the said auction notification, the right to cut the Karuvelam Trees was notified.

5.According to the petitioner, there was no auction conducted on the date fixed for auction and nobody came to the said village to cut the trees. After about one year, some miscreants had entered the village stating that they have been awarded tender to cut the trees. It is the submission of the learned counsel for the petitioner that after one year from the date of earlier auction notice dated 28.08.2018, no person can be permitted to cut the trees, as the period of auction itself is one year.

6.The learned Government Advocate appearing for the respondents has produced the original files, from which, it is seen that one J.Prabhakar Jacob Michel, S/o.M.Jeyaraj, of Kallikuppam Village, was awarded a tender, vide proceeding dated 12.10.2018, for a sum of Rs.2,40,414/-. The said permission, which was granted to him to cut the Karuvelam Trees, has already been expired. This is the evidence from the original files, which have been produced before this Court ie., as on date, no person can claim any right to cut the Karuvelam Trees, pursuant to the auction notification, dated 28.08.2018.



7. For the above reason, this writ petition is allowed and the impugned notice dated 28.08.2018 is quashed and as the tender period has already been expired on 31.08.2019, the respondents are directed to issue fresh auction notification with wide publicity and proceed in accordance with law. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

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To

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5. The District Forest Officer,
Sivagangai District,
Sivagangai.



6.The Tahsildar,
Ilayangudi Taluk,
Sivagangai District.

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+1CC TO MR.S.SARAVANA KUMAR, Advocate Sr. No. 92099
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 92481

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GRL(CO)

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