



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD).No.8916 of 2009
and M.P. (MD).Nos.1 & 2 of 2009

The Kodaikanal Golf Club
Rep. By its Hon. Secretary,
Mr.G.S.Mani,
Kodaikanal - 624 103.

.. Petitioner

Vs.

1.The District Forest Officer,
Kodaikanal Division,
Kodaikanal.

2.The Forest Range Officer,
Kodaikanal Range,
Kodaikanal.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorari, calling for the records of the respondent in its proceedings in C.No.37/95 D1 dated 26.06.2008 and the subsequent letter dated 26.08.209 and quash the same.

For Petitioner : Mr.K.Govindarajan

For Respondent : Mr.C.Ramar
Additional Government Pleader

ORDER

(This writ petition is heard through video conference)

This writ petition has been filed challenging the impugned demand dated 26.06.2008 calling upon the petitioner to pay a sum of Rs.79,82,83,052/- being the alleged lease rent for the period from 21.07.1986 to 31.03.2007, within a period of 7 days from the date of receipt of the impugned letter.

2.Heard Mr.K.Govindarajan, learned counsel for the petitioner and Mr.C.Ramar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.



3.This Court by its earlier order dated 01.07.2019 recorded the submissions of the learned counsel for the petitioner that as per the Judgment of the Honourable Supreme Court passed in I.A.No.2781 of 2000 in W.P.(C).No.202/1995, the petitioner was requested to submit an online proposal immediately for the diversion of forest land under Section 2 of the Forest Conservation Act 1980.

4.It is submitted by the learned counsel for the petitioner that in accordance with the orders of the Honourable Supreme Court, the petitioner has already submitted an online proposal for the diversion of forest land under Section 2 of the Forest (Conservation) Act, 1980, which was returned for certain compliances and the same has also been represented by the petitioner.

5.Since the petitioner has submitted their proposal for diversion of forest land under Section 2 of the Forest (Conservation) Act 1980, no useful purpose will be served by keeping this writ petition pending, as the petitioner has only challenged only the impugned demand calling upon them to pay the lease rent for the period from 21.07.1986 to 31.03.2007. However, since the petitioner is running the club for the past several years, their interest will have to be protected till the online application submitted by the petitioner under Section 2 of the Forest (Conservation) Act is disposed of on merits and in accordance with law by the respondents.

6.Accordingly, this writ petition is disposed of by issuing the following directions.

"The respondents are directed to consider the petitioner's application seeking for exemption from payment of lease rent as per the provisions of Section 2 of the Forest (Conservation) Act, 1980 on merits and in accordance with law and till the said application is disposed of by the respondents, the petitioner's possession of the club and its activities shall not be disturbed."

No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

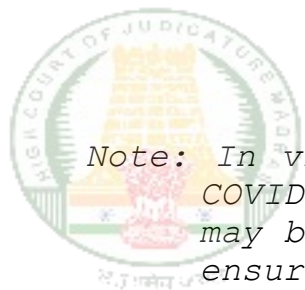
Assistant Registrar(CS-II)

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/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Forest Officer,
Kodaikanal Division,
Kodaikanal.

2.The Forest Range Officer,
Kodaikanal Range,
Kodaikanal.

+1 CC to M/s.K. GOVINDARAJAN, Advocate (SR-21988[F] dated 18/11/2020)

W.P. (MD) .No.8916 of 2009
11.11.2020

CK(CO)
TR(26.11.2020) 3P 4C