



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2020

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No. 21274 of 2019

C.Jeyapaul

... Petitioner

Vs.

- 1.The District Revenue Officer,
District Collector Office,
Theni, Theni District.
- 2.The Divisional Engineer,
Manjalar Water Supply and Drainage,
Public Works Department,
Thenkarai,
Periyakulam,
Theni District.
- 3.The District Forest Officer,
District Forest Office,
NRT Road,
Theni, Theni District.
- 4.The District Forest Officer,
Kodaikanal Wildlife Sanctuary,
Kodaikanal,
Dindigul District.

(R-4 is impleaded vide Court order dated 24.01.2020
made in WMP(MD)No.619 of 2019 in W.P (MD)No.21274
of 2019 by PSNJ)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 25.07.2019 and to constitute a permanent pathway in the forest land for using of public.

For Petitioner	: Mr.T.R.Subramanian
For Respondents	: Mrs.J.Padmavathi Devi, Special Government Pleader



ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

2. The prayer in this writ petition is for a Mandamus, directing the respondents to consider the petitioner's representation dated 25.07.2019 and to constitute a permanent pathway in the forest land for the usage of general public.

3. The fourth respondent, who was subsequently impleaded namely the District Forest Officer, Kodaikanal Wildlife Sanctuary, Kodaikanal, Dindigul District, has filed a counter affidavit, wherein in paragraph No.8, it has been stated as follows:

8. I submit that no permission is necessary to put up a fence in his own patta land and any pathway for the public in the revenue land and the fourth respondent, who is nothing to do with the prayer of the writ petitioner and it is not coming under the control of Forest Department.

4. The learned Special Government Pleader has not stated anything about the first and second respondents, whether they have any objection for the petitioner to fence his land or not. Therefore, the first respondent is directed to consider the representation of the petitioner, dated 25.07.2019 and pass appropriate orders on the same, on merits and in accordance with law, taking into consideration the stand taken by the fourth respondent also, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

pm



To:

1. The District Revenue Officer,
District Collector Office,
Theni, Theni District.
2. The Divisional Engineer,
Manjalar Water Supply and Drainage,
Public Works Department,
Thenkarai,
Periyakulam,
Theni District.
3. The District Forest Officer,
District Forest Office,
NRT Road,
Theni, Theni District.
4. The District Forest Officer,
Kodaikanal Wildlife Sanctuary,
Kodaikanal,
Dindigul District.

+1 CC to M/s.T.R.SUBRAMANI, Advocate (SR-3977[F] dated 30/01/2020

+1 CC to M/s.SPL.GP (SR-4333[F] dated 31/01/2020)

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30.01.2020

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