

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 4/2/2021
C O R A M

THE HONOURABLE Mr.JUSTICE B.PUGALENDHI

Writ Petition No.2312 of 2021

N. R.Raghuraman

...

Petitioner

Vs

The District Forest Officer
Office of the District Forest Officer
Mohanur Road
Namakkal

...

Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondent herein to consider the petitioner's representation dated 19/12/2020 and to determine the sale price for sandal tree which was cut down and taken away from the petitioner's property, comprised in S.No.450/10 situate in Samayasangili Village, Kumarapalayam Taluk, Namakkal District and then deduct 10% charges from the total sale price towards extraction, transport and final clearing, and another 10% towards administrative charges and then to pay the petitioner the balance 80% of the said sale price, in consonance with Rule 6 of the Tamil Nadu Sandal Wood Trees Patta Land Rules, 2008.

For petitioner

... Mr.D.Vairamoorthy

For respondents

... Mr.S.Prabhu

Additional Government Pleader

O R D E R

This writ petition has been filed for a mandamus, directing the respondent, to consider the petitioner's representation, dated 19/12/2020, and to determine the sale price for sandal tree which was cut down and taken away from the petitioner's property, comprised in S.No.450/10, situate in Samayasangili Village, Kumarapalayam Taluk, Namakkal District and then deduct 10% charges from the total sale price towards extraction, transport and final clearing, and another 10% towards administrative charges and then to pay the petitioner the

balance 80% of the said sale price, in consonance with Rule 6 of the Tamil Nadu Sandal Wood Trees Patta Land Rules, 2008.

2. The case of the petitioner is that he is having a land in S.No.450/10 situate in Samayasangili Village, Kumarapalayam Taluk, Namakkal District, which he has purchased from one B.Kannayal, vide sale deed, dated 12/6/2014, on the file of SRO, Kumarapalayam. This vendor has made a request to treat him as the tenant and therefore he is also continuing as a tenant in the same property. When this petitioner visited the property and noticed that sandalwood tree lying in the aforesaid property was taken by the office of the respondent. Therefore, the petitioner made a representation, on 19/12/2020 to the respondent, requesting him to pay 80% of the value of sale of the tree for him which he is entitled, as per the Tamil Nadu Sandalwood Trees Patta Land Rules, 2008. Since the same has not been considered so far, petitioner has come forward with the present writ petition praying for the relief stated supra.

3. Mr.Prabhu, learned Additional Government Pleader takes notice for the respondent and submit that the vendor of the property is residing in the same place and he is also claiming that he is the owner of the property and hence, no order has been passed on the petitioner's representation. Since there is a dispute with regard to the ownership of the property, amount has not been disbursed so far.

4. Rule 6 of the Tamil Nadu Sandalwood Trees Patta Land Rules, 2008, reads as follows:-

The District Forest Officer shall calculate and fix the sale price of the final cleaned wood based on the average sale price of previous sale of Sandalwood conducted in that "Final Cleaning Depot" and if there is no sale for that particular class of Sandalwood the fair or base price approved by the Government for the sale may be taken into consideration. 10% of such sale price shall be deducted from the total sale price of the Sandalwood for charges towards extraction, transport and final cleaning and another 10% for administrative charges. The 80% of the sale price shall be the "net sale price" and that will be paid to the owner of the Sandalwood tree. The owner of the Sandalwood trees shall be paid 20% of the "net sale price" within 30 days of the extraction and the balance shall be paid within 90 days."

5. Admittedly, the petitioner has purchased the property by way of a registered sale deed, in the Sub-Registrar Office, as Document No.8587 of 2014. If there is any dispute with regard to the ownership of the land, provision is available under Rule 4 of the Tamil Nadu Sandalwood Trees Patta Land Rules, 2008, enabling the District Forest Officer to examine the application in Form I and other documents and satisfy himself as to the ownership of the sandalwood trees and can take a decision on that.

6. In view of the revised provisions, this Court allows this writ petition, with a direction to the respondent to take a decision on the petitioner's representation, dated 19/12/2020, in the light of Rule 4 and Rule 6 of the Tamil Nadu Sandalwood Trees Patta Land Rules, 2008, within a period of eight weeks, from the date of receipt of a copy of this order. No costs.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

mvs.

To

The District Forest Officer
Office of the District Forest Officer
Mohanur Road
Namakkal

+1 cc Special Government Pleader sr6215
+1 cc to M/s.S.Senthil Advocate sr5956

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