

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.19280 of 2020

M.Madheswari,
President,
Pappanaickanpatti Panchayat,
Pappanaickanpatti Post - 636 114,
P.N.Palayam Taluk,
Salem District. ... Petitioner

Vs

- 1.The District Collector,
O/o District Collector,
Salem District.
- 2.The District Forest Officer,
Salem Division, Gandhi Road,
Salem - 636 007.
- 3.The Forest Settlement Officer,
Office of the Forest Settlement Officer,
Attur, Salem District.
- 4.The Forest Ranger,
Attur Range,
Salem District.
- 5.The Block Development Officer,
Pethanaickanpalayam,
Salem District.

.. Respondents

Prayer: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 2 to 4 to grant permission to lay the thar road in between the road of Old Mamanji and Elanthavari Village (Mamanji Ashokan Thottam to Selvakumar Thottam), Pappanaickenpatti Panchayat,

Pethanaickanpalayam Taluk, Salem District, to an extent of 800 meter, based on the letter sent by the 5th respondent to the second respondent vide Na.Ka.No.2610/2018/A3 dated 25.09.2020.

For Petitioner : Mr.Vijaya Ragavan

For Respondents : Mr.V.Jayaprakash Narayanan
State Government Pleader
for respondents 1 and 5

: Mr.S.Prabhu
Addl. Govt. Pleader (Forest)
for respondents 2 to 4

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The matter pertains to the construction of a metal road that would facilitate several villages and manifold households.

2. It is submitted by the respondent authorities that a tar road has already been planned and the route has been chalked out, but if the petitioner suggests an alternative route that will necessitate permission being obtained from the forest department since a part of the forest land may have to be used for such purpose.

3. Ideally, forest land should not be disturbed if there is any alternative route which is possible. If necessary, considering that much of the forest land has already been invaded by the human species, a little bit of inconvenience has to be suffered by the inhabitants to adopt the alternative route and not disturb any forest land.

4. In any event, the Court, even a constitutional Court, cannot be seen to direct the executive to construct a particular road along a particular route in preference to another. These are matters which fall exclusively within the administrative domain of the executive and are better left to the executive for it to conduct appropriate studies and choose the line of best fit. Accordingly, the fifth respondent, Block Development Officer, Pethanaickanpalayam, is requested to ensure that the suggestions of the petitioner are taken into consideration and a feasibility report is prepared to identify the best possible route that would enure to the benefit of the maximum residents

of the locality. It must also be noticed that every action may not please everyone; but as long as the action is beneficial to most, it may be acceptable.

5. The Writ Petition, W.P.No.19280 of 2020, is disposed of on the basis of the above observation. In the event the decision taken by the Block Development Officer is utterly unreasonable, the petitioner will have liberty to pursue the petitioner's remedies in accordance with law. There will be no order as to costs.

Sd/-

Assistant Registrar (C.S.VI)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
O/o District Collector,
Salem District.
- 2.The District Forest Officer,
Salem Division, Gandhi Road,
Salem - 636 007.
- 3.The Forest Settlement Officer,
Office of the Forest Settlement Officer,
Attur, Salem District.
- 4.The Forest Ranger,
Attur Range,
Salem District.
- 5.The Block Development Officer,
Pethanaickanpalayam,
Salem District.

+1 cc to M/s.M.Vijayaragavan,Advocate Sr.No. 2777
+1 cc to The Government Pleader Sr.No. 2884

AKM/11.02.2020/3P-8C /

W.P.No.19280 of 2020
20.01.2021