



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No. 24161 of 2021

Pushpa

... Petitioner

Vs

1. The Union of India
Represented by its Secretary
Ministry of Environment & Forest Wildlife Division
Paryavaran Bhavan, CGO Complex, New Delhi.
2. The State of Tamilnadu
Represented by its Secretary
Department of Environment and Forests
Fort St.George, Chennai
3. The Member Secretary
National Tiger Conservation Authority
Annex No.5, Bikaner House,
Shahjahan Road, New Delhi.
4. Principal Chief Conservator
of Forests- Wildlife Director
Panagal Maligai, Saidapet
Chennai.
5. The District Collector
Collectorate, Udhagamandalam,
The Nilgiris.
6. The Chief Conservator of Forests
& Field Director, Project Tiger,
The Tiger conservation Authority
Mudumalai Tiger Reserve,
Udhagamandalam, The Nilgiris.
7. The Revenue Divisional Officer
RDO's Office, Gudalur Taluk,
The Nilgiris.

... Respondents



PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondent No.7 to rehabilitate the petitioner as per Option- II of the National Tiger Conservation Authority's rehabilitation guidelines by granting land for land and other amenities to the petitioner in the light of the petitioner's representation dated 17.05.2021.

For Petitioner : M/s.Thanga Vadhana Balakrishnan

For Respondent : Mr.AR.Sakthivel, CGSC for R1

For Respondent : Mrs.Akila Rajendran
Government Advocate for R2 to R7

ORDER

The prayer sought for herein is for a writ of mandamus directing the 7th respondent to rehabilitate the petitioner as per Option- II of the National Tiger Conservation Authority's rehabilitation guidelines by granting land for land and other amenities to the petitioner in the light of the petitioner's representation dated 17.05.2021.

2. It is the case of the petitioner that the petitioner is a resident of a place called Bennai, Pampattu, Bitherkad, Gudalur, Nilgiri District. The area in which the petitioner is located has already been considered to convert as a Tiger Sanctuary and therefore, most of the people living in that village i.e., according to the petitioner, 95% and more had already been evacuated and given rehabilitation by giving alternative land for their dwelling and insofar as the petitioner is concerned, though the petitioner is entitled to get the same gesture of the rehabilitation and despite her specific request in this regard, the said gesture has not been shown to the petitioner. Therefore, the petitioner has given a representation to the respondents, especially the 7th respondent who is in charge of undertaking the rehabilitation work, on 17.05.2021. However, the said representation also since has not been considered, according to the petitioner, she has filed the present writ petition with the aforesaid prayer.

3. Heard Mr.Thanga Vadhana Balakrishnan, learned counsel appearing of the petitioner, who having reiterated the same,



would submit that since the petitioner also is entitled for the same rehabilitation programme, which have already been undertaken where 95% of the village people where the petitioner resides, had already been evacuated and rehabilitated, the same gesture can also be shown to the petitioner by considering her request. Hence, the learned counsel for the petitioner seeks indulgence of this Court to issue a direction to the respondents especially the 7th respondent in this regard.

4. I have heard Mrs.Akila Rajendran, learned Government Advocate appearing for respondents 2 to 7, who, on instruction from the 7th respondent, submits that, the Revenue Department has already identified the persons for whom such rehabilitation can be extended from the particular village and in that list available with the 7th respondent, the name of the petitioner since is not available such rehabilitation has not been extended to the petitioner. Nevertheless, 7th respondent undertakes to consult with the Revenue Department and to verify whether the petitioner also is residing in the same village and she would also be entitled to such rehabilitation and if so, the rehabilitation already been extended to other villagers, would also be extended to this petitioner, but that depends upon the enquiry to be conducted by this Department in this regard in consultation with the Revenue Department.

5. In view of the said stand taken by the respondents, especially, the 7th respondent, who is the Officer in charge to undertake the rehabilitation work, this Court is inclined to dispose of this writ petition with the following orders:

There shall be a direction to the respondents especially, the 7th respondent to have consultation with the Revenue Department at the level of the District Collector or the District Revenue Officer and Revenue Divisional Officer concerned and verify whether the petitioner is also residing in the same village from where number of people have been rehabilitated, in view of the proposed expansion of Tiger Sanctuary and accordingly do the needful that if the petitioner ultimately found to be one of the eligible beneficiary to get such rehabilitation, that can also be extended to the petitioner. The needful, as indicated above, shall be undertaken by the 7th respondent in consultation with the Revenue Department within a period of six weeks from the date of receipt of a copy of this order.



6. With this direction, this Writ Petition is disposed of.
However, there shall be no order as to costs.

WEB COPY

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

Sgl / rap

To

1. The Secretary, The Union of India
Ministry of Environment & Forest Wildlife Division
Paryavaran Bhavan, CGO Complex, New Delhi.
2. The Secretary
The State of Tamilnadu
Department of Environment and Forests
Fort St.George, Chennai.
3. The Member Secretary
National Tiger Conservation Authority
Annex No.5, Bikaner House,
Shahjahan Road, New Delhi.
4. The Principal Chief Conservator
of Forests Wildlife Director
Panagal Maligai, Saidapet
Chennai.
5. The District Collector
Collectorate, Udhagamandalam,
The Nilgiris.
6. The Chief Conservator of Forests
& Field Director, Project Tiger,
The Tiger conservation Authority
Mudumalai Tiger Reserve,
Udhagamandalam
The Nilgiris



7. The Revenue Divisional Officer
RDO's Office, Gudalur Taluk,
The Nilgiris.

WEB COPY

+2ccs to Mr.A.R.Sakthivel, Advocate, S.R.No.58340

+1cc to M/s.Thanga Vadhana Balakrishnan, Advocate, S.R.No.58456

+1cc to the Government Pleader, S.R.No.58540

W.P. No. 24161 of 2021

NMI (CO)
SU(26/11/2021)
SU(02/12/2021)