



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]Nos.13034 & 13035 of 2021

and

W.M.P.[MD]Nos.10102 & 10103 of 2021

Sivalingam : Petitioner in W.P.[MD]No.13034/21  
Pitchaiyammal : Petitioner in W.P.[MD]No.13035/21

Vs.

1.The District Forest Officer,  
Trichy District,  
Trichy.

2.The Tahsildar,  
Marungapuri Taluk Office,  
Marungapuri,  
Trichy District.

3.The Forest Range Officer,  
Thuvarankurichy Range Office,  
Thuvarankurichy,  
Trichy District.

4.Chinnadurai.

... Respondents in both WPs

**COMMON PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the third respondent dated 20.07.2021, vide his proceedings No.Nil and quash the same as illegal, consequently, direct the respondents not to vacate the petitioner's house situated in his patta land in Survey Nos.281/2A, 281/2B; 270/7B and 270/7C respectively at Akkiyampatti, Marungapuri Taluk, Trichy District, without following due process of law before conducting survey by the forest settlement officer and fix the boundaries of the subject land.

For Petitioner : Mr.T.Vadivelan  
For Respondents 1 to 3 : Mr.A.K.Manikkam  
Standing Counsel for Government  
[In both Writ Petitions]



**COMMON ORDER**

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[Common Order of the Court was made by **T.S.SIVAGNANAM, J.**]

With the consent on either side, these Writ Petitions are taken up for final disposal.

2.Heard Mr.M.Prabhu, learned Counsel appearing for the petitioners and Mr.A.K.Manikkam, learned Standing Counsel for Government appearing for the respondents 1 to 3.

3.The petitioners are aggrieved by the action initiated by the respondents, directing the petitioners to remove the encroachment on the ground that the area is reserved forest. The petitioners' grievance is that no notice was issued to them and no opportunity was granted and they would state that before constructing their houses they have requested for survey to be conducted and only after survey and demarcation they have constructed their houses and it is not a reserved forest land. The impugned eviction notice has been affixed in the premises of the petitioners. The petitioners would further state that no show cause notices were received by them though it is mentioned that show cause notices were issued on 03.11.2020. The petitioners state that they have been paying house tax receipts to the local panchayat.

4.Considering these facts, one opportunity can be granted to the petitioners to place the documents before the respondents to establish their claim. Therefore, we direct the petitioners to treat the impugned proceedings as show cause notice and submit their reply along with documents in their possession within one [1] week from the date of receipt of a copy of this order. On receipt of the reply, a site inspection can be conducted by the appropriate authority of the Forest department and after intimation to the petitioners, action be initiated in accordance with law. Needless to state that the *status quo* which is prevailing as on date [28.07.2021] shall be maintained.

5.Accordingly, the Writ Petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

<https://hcservices.ecourts.gov.in/hcservices/>



**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,  
Trichy District,  
Trichy.

2.The Tahsildar,  
Marungapuri Taluk Office,  
Marungapuri,  
Trichy District.

3.The Forest Range Officer,  
Thuvarankurichy Range Office,  
Thuvarankurichy,  
Trichy District.

+1 CC to M/s.T.VADIVELAN, Advocate ( SR-24237[F] dated 28/07/2021 )

+1 CC to M/s.SPL GP ( SR-24375[F] dated 29/07/2021 )

**COMMON ORDER MADE IN**  
**W.P.[MD]Nos.13034 & 13035 of 2021**  
**28.07.2021**

ES (CO)

TR(06.08.2021) 3P 6C