

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 29.03.2021****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

WEB COPY

W.P. (MD)No.23438 of 2019 and
W.M.P. (MD)Nos.20076 & 22230 of 2019

S.Ilango

... Petitioner

Vs.

The Wild Life Warden,
Megamalai Wild Life Sanctuary,
K.R.R.Nagar, Theni.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent not to interfere with the constructions of polyhouse and packhouse in survey Nos.1057/3, 6 and 1058/4 in Kadamalaikundu Village, Theni District.

For Petitioner : Mr.C.Arul Vadivel @ Sekar

For Respondents : Mr.M.Rajarajan,
Additional Government Pleader.

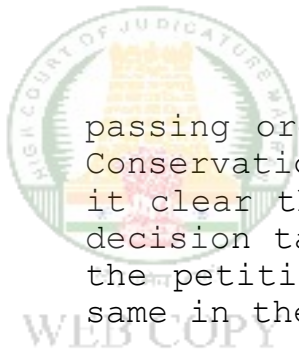
O R D E R

Heard the learned counsel on either side.

2. The petitioner is the owner of the petition mentioned lands. The petitioner has put up poly houses and pack houses in the lands. It is true that the village in question falls within Eco-sensitive zone. It is also notified as a hill village.

3. The stand of the respondent is that for putting up poly houses and pack houses, the petitioner must obtain permission from the Hill Area Conservation Authority. The stand of the petitioner is that such prior permission is not required to be obtained.

4. Be that as it may, by virtue of the interim order granted by this Court, the petitioner has put up the construction. Therefore, this writ petition stands disposed of by permitting the petitioner to apply to the Hill Area Conservation Authority for recognition of the constructions already put up by the petitioner. The Hill Area Conservation Authority will hear the petitioner before



passing orders. Based on the decision to be taken by the Hill Area Conservation Authority, the rights of the parties will abide. I make it clear that I have not gone into the merits of the matter. If the decision taken by the Hill Area Conservation Authority is adverse to the petitioner, the petitioner will have the right to question the same in the manner known to law.

5. This writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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:

The Wild Life Warden,
Megamalai Wild Life Sanctuary,
K.R.R.Nagar, Theni.

+1 CC to M/s.C.ARUL VADIVEL @ SEKAR, Advocate (SR-14285[F] dated 30/03/2021)

+1 CC to M/s.SPL GP (SR-14400[F] dated 30/03/2021)

W.P. (MD) No.23438 of 2019
29.03.2021

AS (11.06.2021) 3P 4C