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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.6520 of 2022  
and  
W.M.P.No.6607 of 2022

1.V.Mayilathal

2.V.Nivethini

3.V.Thirusenthilnayagi

.. Petitioners

Vs.

1.The Principal Secretary to Government,  
Department of Environment, Climate Change and Forests,  
Government of Tamil Nadu,  
Fort St. George, Chennai - 600 009.

2.The Principal Chief Conservator of Forest,  
Panagal Maaligai,  
Saidapet, Chennai - 600 015.

3.The Additional Principal Chief  
Conservator of Forest & Field Director,  
Anamalai Tiger Reserve,  
365/1, Meenkarai Road,  
Pollachi.

4.The District Forest Officer &  
The Deputy Director, (Tirupur Division)  
Anaimalai Tiger Reserve,  
Babukan Street, Dhali Road,  
Udumalpet - 642 126.

5.The Forest Range Officer,  
Tirupur Forest Range,  
Anaimalai Tiger Reserve,  
Udumalaipet.

6.The District Forest Officer,  
Sathyamangalam Range,  
Sathyamangalam Sandalwood Depot,  
Erode.



7.The District Collector,  
Tiruppur District.

8.The Tahsildar,  
Udumalaipet.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 2 to 6 to fix the net sale price of the 190 kg of sandal wood trees sold by the petitioners on 28.07.2017 and disburse the amount payable to them within a time frame fixed by this Court.

For Petitioners : Ms.K.Suhasini  
For Respondents : Mr.C.Sathish  
Government Advocate

#### O R D E R

This Writ Petition is filed for issuance of Writ of Mandamus, directing the respondents 2 to 6 to fix the net sale price of the 190 kg of sandal wood trees sold by the petitioners on 28.07.2017 and disburse the amount payable to them within a time frame fixed by this Court.

2.By consent of both the learned counsel appearing for the petitioner as well as Mr.C.Sathish, learned Government Advocate, who takes notice for the respondents, this Writ Petition is taken up for final disposal at the admission stage itself.

3.The petitioners are wife and daughters of one M.Velusamy, who cultivated sandalwood trees in their patta land. As per The Tamil Nadu Sandalwood Trees on Patta Lands Rules, 2008, (hereinafter referred to as 'Rules') sandalwood trees grown in patta land can be sold only to the Government. The land owner who wants to sell his sandalwood has to make an application to the 4<sup>th</sup> respondent in Form-1 with list of trees enclosing the necessary documents. The 4<sup>th</sup> respondent, after inspection and verification of the trees, shall grant permission to sell those trees to the Government. The concerned Forest Range Officer will extract those trees and transport them to Final Cleaning Depot. Extraction and recording of measurement of trees will be done in the presence of owner of the land. Once the final cleaning is over, the 4<sup>th</sup> respondent will arrive at the total quantity of final cleaned wood and sapwood obtained from the extracted trees and calculate the value based on the average sale price of previous sale. As per Rule 6 of the Rules, on arriving sale price, 10% of the sale price will be deducted towards extraction, transport and final cleaning, another 10% for



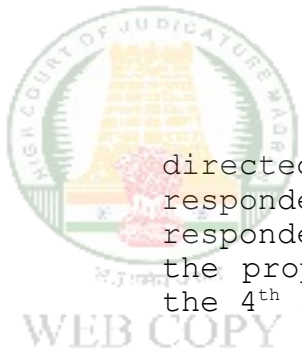
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administrative charges and balance 80% of the sale price will be paid to the owner. The Rules mandates that owner of the sandalwood trees shall be paid 20% of the 'net sale price' within 30 days of the extraction and balance amount within 90 days.

4.The owner one M.Velusamy made an application and after inspection by 4<sup>th</sup> respondent, the said M.Velusamy, husband of 1<sup>st</sup> petitioner and father of petitioners 2 & 3 sold the sandalwood about 190 kgs from his patta land to the 4<sup>th</sup> respondent on 28.07.2017. As per the said Rules, the 4<sup>th</sup> respondent ought to have fixed the price and disbursed the amount within 90 days of extraction. But, the 4<sup>th</sup> respondent has not fixed the amount and paid the same to the said M.Velusamy. The said M.Velusamy made representations to the 7<sup>th</sup> respondent on 30.08.2017 and 29.06.2018 respectively. The said representations were forwarded to the 4<sup>th</sup> respondent. The 4<sup>th</sup> respondent by the proceedings dated 25.07.2018, bearing Na.Ka.No.4284/2018/M, informed the said M.Velusamy that sandalwood procured from his patta land was sent to the Sathyamangalam Sandal Wood depot for sales on 24.10.2017 and amount will be paid after auctioning the trees. The said M.Velusamy made another representation directly to the 4<sup>th</sup> respondent dated 20.11.2020, requesting to fix the value of the sandalwood trees and pay the amount for the sandalwood trees sold by him to the Government. The 4<sup>th</sup> respondent by his proceedings dated 20.02.2021 vide Na.Ka.No.2220/2018/M, informed the said M.Velusamy that net sale price for the sandalwood sold by him in the year 2017 shall be fixed by the respondents once the budget for the year 2020-2021 is fixed. In the mean time, the said M.Velusamy died on 13.01.2022 and the petitioners, who are the legal heirs of the said M.Velusamy has filed the present Writ Petition for the relief stated above.

5.The learned counsel appearing for the petitioners submitted that as per Rule 6 of the Rules, 2008, after deducting 10% towards extraction, transport and final cleaning and another 10% towards administrative charges, balance 80% of the amount must be paid to the pattadar within 90 days from the date of extraction and prayed for allowing the Writ Petition and for a direction to the respondents to pay the amounts for the sandalwood sold by the said M.Velusamy.

6.Mr.S.Thangaprakash, Forester, Udumalai Forest Range, Tiruppur / 5<sup>th</sup> respondent is present before this Court today. On oral instructions from him, Mr.C.Sathish, learned Government Advocate appearing for the respondents submitted that due to financial strain, the respondents could not pay the amount in time. Once they get funds for the year 2020-2021, the price for sandalwood trees will be fixed and the amount would be paid to the petitioners. He also submitted that the petitioners may be



directed to produce the legal heirship certificate before the 6<sup>th</sup> respondent. On receiving the legal heirship certificate, the 6<sup>th</sup> respondent will fix the value of the sandalwood trees and send the proposal to the 4<sup>th</sup> respondent and after receiving the same, the 4<sup>th</sup> respondent will pay the amount to the petitioners.

7. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents and perused the entire materials on record.

8. As per Rule 6 of the Rules, 2008, after extraction of sandalwood trees, price shall be fixed based on the average sale price of previous sale. In the present case, the husband of 1<sup>st</sup> petitioner and father of petitioners 2 & 3 sold 190 kgs of sandalwood trees grown in their patta land on 28.07.2017. As per Rule 6 of Rules, after extraction, price of the trees must be fixed, after deducting 10% of the price for extraction, transport and final cleaning, another 10% for administrative charges, 80% of the price so fixed to be paid to the pattadar within 90 days from the date of extraction. The respondents have not complied with the said Rules. From 2017 onwards, no amount is paid to the Pattadar. In view of the specific time limit fixed in the said Rules, the contention of the learned Government Advocate that on sanctioning funds for the year 2020-2021, the amount will be paid to the petitioners is not acceptable. Without any reason, the respondents have not fixed the price for the sandalwood trees sold in the year 2017 itself and failed to pay the amount to the Pattadar.

9. In view of the above materials, the petitioners are directed to enclose a copy of this order along with legal heirship certificate to the 6<sup>th</sup> respondent within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the 6<sup>th</sup> respondent is directed to fix the price for the sandalwood trees within two weeks thereafter and send the proposal along with all the documents to the 4<sup>th</sup> respondent. The 4<sup>th</sup> respondent on receiving the proposal, is directed to pay the amount to the petitioners within a period of one week thereafter.

10. With the above observations, the Writ Petition is allowed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar



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To

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- 1.The Principal Secretary to Government,  
Department of Environment, Climate Change and Forests,  
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- 2.The Principal Chief Conservator of Forest,  
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- 4.The District Forest Officer &  
The Deputy Director, (Tirupur Division)  
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- 5.The Forest Range Officer,  
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Erode.
- 7.The District Collector,  
Tiruppur District.
- 8.The Tahsildar,  
Udumalaipet.

+1cc to Ms.K.Suhasini, Advocate, S.R.No.19340  
+1cc to Special Government Pleader(Forest), S.R.No.19644  
XXVII, High Court Chambers, Chennai-104.

W.P.No.6520 of 2022

AK-II(CO)  
CB(24/03/2022)