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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WRIT PETITION NO.28345 OF 2021

Mr.K.M.Selai

...Petitioner

-Vs-

1. District Forest Officer,
District Forest Department,
Nilgiri Division, Mount Squad Hills,
Udhagamandalam,
The Nilgiri - 643 101.

2. The Assistant Conservator of Forest,
Forest Protection Squad,
Udhagamandalam,
The Nilgiri - 643 101.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to consider the representation given by the petitioner dated 20.10.2021 with in a reasonable time as fixed by this Honourable Court.

For Petitioner : Mr.J.R.Prabhakaran

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus, directing the first respondent to consider the representation given by the petitioner dated 20.10.2021 with in a reasonable time.



2. The petitioner claims that the petitioner is having the Patta land at S.No.92/3 to the extent of 11 Acres Tea Estate at Cookal Village, Nilgiris District. In the said Tea Estate, there are about 15 workers working and they are coming from various interior villages to this place for their work. However, there is no ingress and egress available to the said Tea Estate belonging to the petitioner, as there are reserve forests in all the directions. Therefore, in order to have a pathway by way of ingress and egress through the forest land along side with the Tea Estate of the petitioner, he has given a representation on 20.10.2021 to the first respondent, and since the same has not been considered, he has approached this Court by filing the present writ petition.

3. Reiterating the aforesaid, the learned counsel appearing for the petitioner seeks the indulgence of this Court to issue a direction to the respondents by way of a Mandamus.

4. However, Mr.E.Vijay Anand, learned Additional Government Pleader appearing for the respondents, on instructions would submit that, under the Forest Preservation Act, it is not a matter of right for any individual to seek for ingress and egress to the forest land. However, on need basis, if any such application in the prescribed format is made, the same would be considered in accordance with law by the concerned authority, here it is the first respondent and therefore, if the petitioner wants to make an application to the first respondent, it is open to him to make such an application and the same would be considered on merits, but not as a matter of right the petitioner can claim such a relief of ingress and egress to the reserve forest land, however, on need basis, depending upon the merits of the case, it would be considered and orders would be passed thereon.

5. Considering the said submissions made by the learned counsel for both sides and having taken note of the stand taken by the respondents, this Court is inclined to dispose of this writ petition with the following order.

That the petitioner shall make an application under the provisions of the Act, in the prescribed format along with a copy of this order to the first respondent within a period of two weeks from the date of copy of this order and on receipt of such application along with a copy of this order, the same shall be considered by the first respondent on merits and in accordance with law and it can be disposed of within a period of six weeks thereafter.



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6. With these directions, this writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

KST

To

1. District Forest Officer,
District Forest Department,
Nilgiri Division, Mount Squad Hills,
Udhagamandalam,
The Nilgiri - 643 101.
2. The Assistant Conservator of Forest,
Forest Protection Squad,
Udhagamandalam,
The Nilgiri - 643 101.

+1cc to Mr.J.R.Prabhakaran, Advocate, S.R.No.909

+1cc to the Government Pleader, S.R.No.496

W.P.No.28345 of 2021

GSM(CO)

RLP(28/01/2022)