



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2022

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WEB COPY

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.1979 of 2021

Manicam Narayanan

... Petitioner

Vs.

1.The Principal Chief Conservator of Forests,
Chennai.

2.The District Collector,
Tirunelveli District.

3.The Chief Conservator of Forests,
Tirunelveli.

4.District Forest Officer,
Tirunelveli District.

5.The Forest Ranger,
Courtallam Range, Sengottai.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to issue permission to the petitioner for the felling of the trees standing on the lands of petitioners private land comprised in old Survey No.565/1 and new Survey No.1069 and old Survey No.564/1 and new Survey No.1070/7B of Sengottai, Melur Village, Sengottai Taluk, Tirunelveli District.

For Petitioner	: No Appearance
For Respondents	: Mr.M.Senthil Ayyanar Government Advocate

ORDER

No representation on behalf of the petitioner.

2. The writ petition has been filed for a writ of Mandamus to direct the respondents to issue permission to the petitioner for the felling of the trees standing on the lands of petitioners private land comprised in old Survey No.565/1 and new Survey No.1069 and old Survey No.564/1 and new Survey No.1070/7B of Sengottai, Melur Village, Sengottai Taluk, Tirunelveli District.



3. It is submitted that the respondents have no right to refuse permission to the petitioner for cutting trees and that there is no notification of the State Governments as regards declaration of the land of the petitioner as Eco-Sensitive Zone or any reference to the same, being furnished by the respondents to the petitioner and therefore the petitioner should be allowed to cut the trees in his private lands.

4. The respondents have filed a detailed counter. In the counter, they have stated that the land comprised in the aforesaid survey number belong to the petitioner has been classified as private forest and cutting of trees governed by Tamil Nadu Hills Areas Act (Preservation of Trees). It is further submitted that the land is situated in the middle of Nellai Wildlife Sanctuary and any attempt to deforest the private land of the petitioner situated in the middle of the forest/sanctuary will have a disastrous impact on the ecology and wild life habitat. It is further submitted that it is the Directive Principles of State Policy and Fundamental Duty under Indian Constitution to conserve and protect the environment and safeguard the forest and wild life. It is submitted that the State has to endeavour to protect and improve the environment and safeguard the forests and wild life. It is submitted that the petitioner has a fundamental duty to protect and improve the national environment including forests, lakes, rivers and wild life and to have compassion for living creatures as per Article 51 A of the constitution of India. The learned counsel for the respondents further submits that the lands have classified under Section 46 (G) of the Forest Act, 1882.

5. It is therefore submitted that the request of the petitioner to cut trees from the said land cannot be granted. It is further submitted that earlier, the third respondent had also informed the petitioner on 10.01.2020 that the permission to cut the trees was not feasible, as the land was classified as a private forest land and it would have disastrous consequence on the ecology. It is further submitted that the forest area has been declared as a Eco-Sensitive Area by the Ministry of Forest. It is further submitted that there is no action of land purchased by the petitioner and it is not possible to transport the trees without disturbing the natural habitat.

6. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the respondents. I also perused the affidavit filed in support of the writ petition and counter affidavit filed by the respondents.

7. The lands in question is a private land of the petitioner. It is in the middle of Nellai Wildlife Sanctuary. There is no direct access to the aforesaid land without impeding the movement of wildlife. The trees in the aforesaid land are part of the ecology in



the said forest. Therefore, the petitioner cannot be allowed to monetize the trees by cutting them and transport them through the forest by putting the wild life to jeo pardy. Therefore, I am inclined to dismiss the writ petition. At the same time, it would be unfair to retain the land as a private land and not to allow the petitioner to monetize. I therefore direct the respondents immediately to take steps to acquire the land from the petitioner in accordance with law. These proceedings shall be completed by the respondents within a period of one year from the date of receipt of copy of this order. No costs.

Sd/-

Assistant Registrar (T&P)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The Principal Chief Conservator of Forests,
Chennai.

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Tirunelveli.

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+1 CC to M/s.SPL GP (SR-11172[F] dated 10/03/2022)

W.P(MD) .No.1979 of 2021
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MGJ(25.03.2022) 3P 7C