



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.03.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P. (MD) No.4921 of 2022

and

W.M.P. (MD) No.4051 of 2022

WEB COPY

Franklin

... Petitioner

/vs./

1.State of Tamil Nadu,
represented by its Secretary to Government,
Environment and Forest Department,
Fort St.George,
Secretariat, Chennai -9.

2.The District Forest Officer,
Kanyakumari District.

3.The Forest Settlement Officer,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to redo the process of converting the land in survey number 39, Arumanallur Village, Thadikarankonam, Kanyakumari District as reserved forest after hearing the petitioner as per section 6 of Tamil Nadu Forest Act.

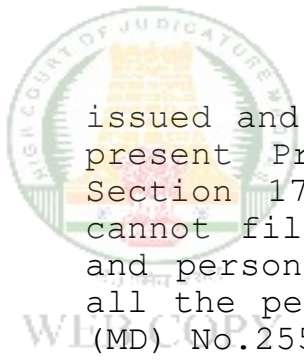
For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

The petitioner has filed this writ petition for a Mandamus to direct the respondents to redo the process of converting the land in S.No.39, situated at Arumanallur Village, Thadikarankonam, Kanyakumari District as reserved forest, after hearing the petitioner as per section 6 of Tamil Nadu Forest Act, 1882.

2.It is noticed that the petitioner has earlier filed a writ petition in W.P.(MD) No.25527 of 2019. The prayer in the aforesaid writ petition is also identical to the prayer in the present writ petition. Though it is a case of the petitioner that Section 4 Notification was issued as early as 1988 and that the 3rd respondent has passed an order under Section 6 of the aforesaid Act on 20.02.1991, no consequential notice under Section 16 has been



issued and therefore, nothing precludes the petitioner, who is the present President of the Village, from exercising right under Section 17 of the Tamil Nadu Forest Act, 1882. The petitioner cannot file two writ petitions for the same relief in individual and personal capacity and other as public spirited person. If at all the petitioner has to workout his remedy, it is to be in W.P. (MD) No.25527 of 2019.

3.Accordingly, this writ petition stands dismissed with a liberty to pursue the same remedy in W.P.(MD) No.25527 of 2019 before the Division Bench of this Court. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

mm

To

1.The Secretary to Government,
Environment and Forest Department,
Fort St.George,
Secretariat, Chennai -9.

2.The District Forest Officer,
Kanyakumari District.

3.The Forest Settlement Officer,
Kanyakumari District.

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-13352[F]
dated 22/03/2022)

+1 CC to M/s.SPL GP (SR-13468[F] dated 22/03/2022)

W.P. (MD) No.4921 of 2022
21.03.2022

SP(CO)
KP(05.04.2022) 2P 6C