



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.04.2022**

CORAM:

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

W.P. (MD) No.6388 of 2022

and

M.P. (MD) No.4976 of 2022

WEB COPY

Thiruvavadudurai Adhinam,
represented by Inspector,
A.M.Esakki
S/o.Muthusamy Pillai
Pathai Vadakarai Village,
Pathai Post, Nanguneri Taluk,
Thirunelveli District.

... Petitioner

/vs./

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The District Forest Officer,
Tirunelveli District.

3.The Deputy Director,
Kalakkadu Tiger Reserve Forest,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to grant permission to the petitioner to enter into lease agreement for agriculture activities in the punja land in survey No.1052/2, with the extend of 50 acre, situated at Pathai Pagam II, Nanguneri Taluk, Thirunelveli District based on the application dated 25.02.2022.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.P.Thilak Kumar

Government Pleader

ORDER

The petitioner has filed this writ petition for a Mandamus to direct the respondents 1 and 2 to grant permission to the petitioner to enter into a lease agreement for agricultural activities in the punja land in S.No.1052/2, measuring an extent of 50 acre, situated at Pathai Pagam II, Nanguneri Taluk, Thirunelveli District based on the application dated 25.02.2022.

2.The petitioner has sent representations in January, 2021 and on 25.02.2022 with a request for entering into a fresh lease with a proposed lessee. The applications have been filed by the petitioner under Section 3(1)(a) of the Tamilnadu Preservation of Private



Forests Act, 1949, which reads as under:-

"3.Preservation of Private Forests: (1) (a). No owner of any forest shall, without the previous sanction of the (Committee) sell, mortgage, lease or otherwise alienate the whole or any portion of the forest."

3.Opposing the prayer, the learned Government Pleader for the respondents submits that in respect of the very same property, G.O.Ms.No.145, Environment and Forests (FR.3) Department, dated 02.11.2011 in the case of one Murugaian, Thanjavore an order came to be passed pursuant to the rejection of a request for cutting down and removing the dead and wind fallen trees in the land acquired for Vadakku Panchaiyur Reservoir Project. It is submitted that there is no merits in the present writ petition.

4.I have considered the arguments advanced by the learned counsel for the petitioner and the learned Government Pleader for the respondents.

5.G.O.Ms.No.145, Environment and Forests (FR.3) Department, dated 02.11.2011 pertains to the rejection of a request of one Murugaian, Thanjavore for permission to cut down and remove the dead and wind fallen trees in S.No.1052/1, 1075/1, 2 of Pathai Village and in S.No.1 of Vadakarai Village in Nanguneri. The request was rejected and therefore, an appeal came to be filed before the Principal Secretary to Government. The appeal was also rejected.

6.The facts of the case indicate that in the said case, the application was sought to be rejected on the ground that no permission was earlier obtained for cutting and removing the trees and therefore, the said order was upheld. In this case, the petitioner has approached the respondents for permission to cut and remove the trees.

7.Considering the above, I am inclined to dispose of this writ petition by directing the respondents to consider the petitioner's applications filed under Section 3(1)(a) of the Tamilnadu Preservation of Private Forests Act, 1949, within a period of 30 days from the date of receipt of a copy of this order.

8.The writ petition stands disposed of, in terms of the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The District Forest Officer,
Tirunelveli District.

3.The Deputy Director,
Kalakkadu Tiger Reserve Forest,
Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-17909[F] dated 11/04/2022)

+1 CC to M/s.M. RAMU, Advocate (SR-18770[F] dated 13/04/2022)

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RD(25.04.2022) 3P 6C