



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.03.2022
CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

WEB COPY

Writ Petition (MD) No.23618 of 2019
and
W.M.P. (MD) No.20239 of 2019

1.K.R.Shanmuganathan
2.Kasinathan

.. Petitioners

Versus

1.The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Devakottai,
Sivagangai District.

2.The Tahsildar,
O/o. the Tahsildar,
Devakottai,
Sivagangai District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.A2/9566/2012, dated 29.08.2019, on the file of the first respondent and quash the same as illegal.

For Petitioners

: Mr.M.Mahaboob Fazil

For Respondents

: Mr.M.Senthil Ayyanar
Government Advocate

ORDER

After hearing the learned counsel for the petitioners and the learned Government Advocate for the respondents for some time, I am inclined to set aside the impugned order dated 29.08.2019, bearing Na.Ka.A2/9566/2012, considering the fact that the petitioners have already paid a sum of Rs.15,000/- pursuant to the interim order of this Court, dated 08.11.2019. There is some confusion with regard to compounding amount fixed in the impugned order. The impugned order seems to indicate that the petitioners are required to pay of sum of Rs.23,040/-, in figures, as compounding fee. However, the amount that has been mentioned in words as "ரூபாய் பதினோறாயிரத்து ஐநூற்றி இருபது மட்டும்" [Rupees Eleven Thousand Five Hundred and Twenty only]. This amount has been fixed purportedly in exercise of power under Section 55 of the Tamil Nadu Forest Act, 1882.



2. Though the petitioners have questioned the jurisdiction of the first respondent stating that the first respondent is not competent to pass appropriate orders, I am inclined to quash the impugned order. Accordingly, the impugned order dated 29.08.2019 stands quashed and the case is remitted back to the appropriate authority to pass appropriate orders on merits and in accordance with law. While passing such order, the appropriate authority shall consider the amount that has been paid by the petitioners, namely, Rs.15,000/- pursuant to the interim order of this Court, dated 08.11.2019. While passing such order, the appropriate authority shall consider all the records, including the statements given by the petitioners before the first respondent on 13.10.2018.

3. This Writ Petition is allowed with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

smn

To

1. The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Devakottai,
Sivagangai District.

2. The Tahsildar,
O/o. the Tahsildar,
Devakottai,
Sivagangai District.

+1 CC to M/s. T. LAJAPATHI ROY, Advocate (SR-10765[F] dated 09/03/2022)

+1 CC to M/s. SPL.GP (SR-10970[F] dated 09/03/2022)

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MGJ(21.03.2022) 2P 5C