



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.[MD]No.22146 of 2017

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: Petitioner

Vs.

1.Government of India,
Rep. by the Principal Secretary,
Ministry of Environment,
Forest and Climate Change,
Indira Paryavaran Bhavan,
Jorbagh Road,
New Delhi - 100 003.

2.The State of Tamil Nadu,
The Department of Environment and Forest,
Rep. by its Secretary,
Fort St.George,
Chennai - 9.

3.The Principal Chief Conservator of Forest,
and Chief Wildlife Warden of Tamil Nadu,
Panagal Maligai,
Saidapet, Chennai.

4.Additional Principal Chief Conservator of Forests(C),
Ministry of Environment, Forest and Climate Change,
Regional Office(SEZ),Ist and IInd Floor,
Handloom Export Promotion Council,
34, Cathedral Garden Road,Numgambakkam,
Chennai - 34.

5. The District Collector,
Theni District, Theni.

6.M.Anandhakumar
7.N.V.Nagiah
8.Kaja Mohaideen
9.A.Iqbal

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents 1 to 5 to restore the Wildlife habitat in Megamalai Wildlife Sanctuary and to conduct enquiry and initiate appropriate action under Section 38 of the Forest (Conservation) Act, 1980 against the respondents 6, 7 and 8 within the time stipulated by this Court.



For Petitioner: Mr.T.Lajapathi Roy
For R2 to R5 : Mr.K.Chellapandian
Additional Advocate General
Assisted by Mr.N.Shanmugaselvan
Special Government Pleader
For R6 & R8 : No appearance
For R7 : Mr.B.Saravanan
For R1 : Mr.S.Jeyasingh

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ORDER

[Order of the Court was made by **M.M. SUNDRESH, J.**]

This Public Interest Litigation has been filed seeking a direction to restore the Wildlife habitat in Megamalai Wildlife Sanctuary and to conduct enquiry and initiate appropriate action under Section 38 of the Forest (Conservation) Act, 1980 against the respondents 6 to 8, who are stated to be acting contra to the role assigned to them.

2. The learned counsel appearing for the petitioner made specific reliance on the proceedings of the District Collector dated 21.06.2017. This report clearly states about the nature of encroachment, damage made to ecosystem of the Meghamalai Reserve forests and inaction on the part of the officials of the Forest Department.

3. The learned Additional Advocate General, placing reliance on the counter affidavit filed on behalf of the respondents 2 and 3, has stated that one erring official was suspended and others have been transferred.

4. We are totally not convinced with the counter affidavit filed on behalf of the respondents 2 and 3. It is not merely an allegation, which has been placed before us. The irregularities mentioned in the proceedings of the District Collector, dated 21.06.2016 are neither denied nor disputed. Mere proceedings against the Subordinate Officials under Rule 17(a) of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules, 1955, would never suffice. We are dealing with the ecosystem of shola forest, which are unique in the wild. The materials placed on record would show that encroachments are still there.

5. The submissions made by the learned Additional Advocate General that action has been taken against the erring officials and cases have been booked in our considered view would not suffice. The duty of the officials respondents is to protect and preserve the forest. Thereafter, they will take every efforts to cover. Unfortunately, this exercise has not been done. The writ petitions already filed have been dismissed by this Court very recently. Therefore, there will not be any impediment to take appropriate action.



6. In such view of the matter, we direct the third respondent to take appropriate action to remove all the encroachments by following due procedures. Entire exercise will have to be done within a period of eight weeks from the date of receipt of a copy of this order. We direct the Registry to post another writ petition challenging the action of the official respondents before the Division Bench of this Court. Since this has been brought to the notice of this Court only by the petitioner, the Registry is further directed not to number such writ petition without impleading the petitioner as a party respondent. Therefore, this Court will have a clear picture.

7. Post the matter for reporting compliance on 21.01.2019.

Sd/-

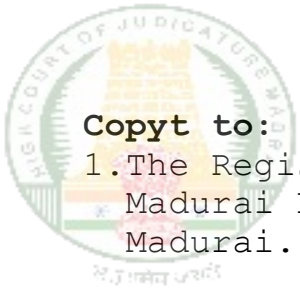
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS-II)

To

1. The Principal Secretary, Government of India,
Ministry of Environment,
Forest and Climate Change,
Indira Paryavaran Bhavan, Jorbagh Road,
New Delhi - 100 003.
2. The Secretary,
The Department of Environment and Forest,
Fort St. George,
Chennai - 9.
3. The Principal Chief Conservator of Forest,
and Chief Wildlife Warden of Tamil Nadu,
Panagal Maligai,
Saidapet, Chennai.
4. Additional Principal Chief Conservator of Forests (C),
Ministry of Environment,
Forest and Climate Change,
Regional Office (SEZ), Ist and IInd Floor,
Handloom Export Promotion Council,
34, Cathedral Garden Road,
Numgambakkam, Chennai - 34.
5. The District Collector,
<https://hcservices.theni.gov.in/hcservices>,
Theni.

**Copyt to:**

1.The Registrar (Judicial),
Madurai Bench of Madras High court,
Madurai.

2.The Section Officer, Writ Section,
Madurai Bench of Madras High Court,
Madurai.

CM

BU/SKN/SAR-2 :19.11.2018 : 4P/8C

ORDER MADE IN
W.P. [MD]No.22146 of 2017
01.11.2018