



W.P.(MD) No.28584 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.28584 of 2022

and

W.M.P.(MD)No.22585 of 2022

Jeyachandran

... Petitioner

Vs.

1.The Forest Ranger,
Rajendram Forest Block,
Karur Forest Range,
Karur.

2.The Tashildar,
Kulithalai Taluk,
Kulithalai,
Karur District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the



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impugned show cause notice in Na.Ka.No.184/2022, dated 06.12.2022 on the file of the 1st respondent herein and quash the same as illegal and arbitrary and consequently, direct the 1st respondent herein to close the eviction proceedings as against the petitioner since the provision of Section 68A of the Tamil Nadu Forest Act, 1882 cannot be invoked for evicting the petitioner.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.M.Ramesh Arumugam,
Government Advocate

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the impugned show cause notice in Na.Ka.No.184/2022, dated 06.12.2022, issued by the 1st respondent and also seeking for a consequential direction to the 1st respondent to close the eviction proceedings as against the petitioner, the petitioner has filed this Writ Petition.



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2. Heard Mr.M.Thirunavukkarasu, learned counsel for the petitioner and Mr.M.Ramesh Arumugam, learned Government Advocate, who takes notice for the respondents.

3. By consent of both parties, this Writ Petition is taken up for final disposal.

4. It is the case of the petitioner that he was allotted a land in S.No.348 of Rajendram Village of Kavery River Padukai, to an extent of 7.3 Acres and there are about 11 small houses with electricity connections. The Revenue Department has initiated eviction proceedings without following the due process of law. As against the same, one Sekar has filed a writ petition in W.P.(MD)No. 24806 of 2022 and the same is pending before this Court. In the meantime, the 1st respondent has issued the impugned show cause notice dated 06.12.2022. Challenging the same, the petitioner has filed this Writ Petition.



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5. The learned counsel appearing for the petitioner submitted that the petitioner has submitted a detailed explanation on 09.12.2022 to the show cause dated 06.12.2022 issued by the 1st respondent. He further submitted that Section 68A of the Tamil Nadu Forest Act, 1882 will be applicable only to the unauthorized occupant. By way of settlement, the land has been allotted to the petitioner and he has put up constructions after obtaining necessary permission from the authorities and therefore, the respondents cannot invoke Section 68A of the Tamil Nadu Forest Act, 1882 as against the petitioner and hence, the impugned order is liable to be dismissed.

6. The learned Government Advocate appearing for the respondents submitted that the objection filed by the petitioner dated 09.12.2022 would be considered and necessary orders will be passed, within a time frame.

7. In view of the above, we direct the first respondent to consider the explanation submitted by the petitioner dated 09.12.2022 and pass orders on



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merits and in accordance with law, as early as possible, preferably, within a period of two [2] weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [R.V., J.]
21.12.2022

Index : Yes / No
Internet : Yes / No
vsm

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