



W.P.No.1189 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.1189 of 2023

1.G.Nethaji

2.G.Saroja

3.G.Umashankar

... Petitioners

Vs.

1.The District Forest Officer
Vellore Fort, Vellore District
Vellore

2.The Forest Range Officer
Gudiyatham
Vellore District

3.The District Collector
Office of the Collectorate
Sathuvachari, Vellore District

4.The Revenue Divisional Officer
Sathuvachari, Vellore District
Vellore

5.The Tahsildar
Gudiyatham Taluk



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Gudiyatham

6.Village Administrative Officer
Thattimanapalli Village & Post
Gudiyatham Taluk, Vellore District

7. The District Superintendent of Police
Sathuvachari
Vellore District, Vellore

8.The Sub-Inspector of Police
Bharathrami Police Station
Gudiyatham Taluk
Vellore District

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the 1st respondent to grant permission for cutting down the sandalwood and red sandal trees grown by the us in the lands comprised in S.Nos.55/2B,53/1A,57/2B,55/1A2,55/1D2, 55/2B2,53/1B, 55/2A, 55/2D, 58/2A2, 55/2B1, 55/1C2, 53/2A, 55/1A2 with the aid of police based on the 1st petitioner's application to the 2nd respondent dated 20.10.2022 within a strict time frame fixed by this Court.

For Petitioners : Mr.T.S.Vijaya Raghavan

For Respondents : Mrs.R.Anitha, Spl.G.P for R1 to 8

ORDER

This writ petition has been filed to direct the 1st respondent to grant permission for cutting down the sandalwood and red sandal trees grown by the us in the lands comprised in S.Nos.55/2B,53/1A,57/2B,55/1A2,55/1D2,



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55/2B2,53/1B, 55/2A, 55/2D, 58/2A2, 55/2B1, 55/1C2, 53/2A, 55/1A2

with the aid of police based on the 1st petitioner's application to the 2nd respondent dated 20.10.2022.

2. It is the case of the petitioners that they have planted varieties of trees in S.Nos.55/2B,53/1A,57/2B,55/1A2,55/1D2, 55/2B2,53/1B, 55/2A, 55/2D, 58/2A2, 55/2B1, 55/1C2, 53/2A, 55/1A2 23 years ago including sandalwood and red sander counting to nearly 1200 in number. Now the smugglers have nearly stolen 513 trees due to which they suffered loss of nearly 90 crores. The petitioners gave several representation to the respondents seeking protection of trees and to grant permission for cutting down all the trees and keep them under safe custody. In spite of which the application of the petitioners have not been considered. Hence, the Writ Petition.

3. Mrs.R.Anitha, Special Government Pleader takes notice for the respondents.

4. As the prayer is only limited for removal of sandalwood trees in



patta land. Since there is a special rule governing the sandalwood trees in patta land viz., The Tamil Nadu Sandalwood Trees on Patta Land, 2008.

Rule 4 makes it mandatory for the District Forest Officer to examine the application in Form-1 and other documents and satisfy himself as to the ownership of the sandalwood trees that are proposed to be sold to the Government. R.5 deals with extraction and processing of sandalwood trees, which reads as follows:

“ 5. Extraction and processing of sandalwood tree—

(1) Enumeration.—The District Forest Officer shall, before granting permission under sub-rule (2) of this rule, require the Forest Ranger having jurisdiction over the area in which the sandalwood trees are grown to inspect all the sandalwood trees which are proposed to be sold and to mark such trees for extraction and make a report in writing to the District Forest Officer in Form-II. The District Forest Officer (or) the Assistant Conservator of Forests shall check at least 10% of the sandalwood trees (i.e., one in every ten trees) and record their report in writing.

(2) Extraction.—(a) The District Forest Officer shall verify the condition of the sandalwood trees proposed to be sold and the documents furnished by the owner of the sandalwood tree along with the



report of the Forest Ranger and shall grant permission to sell those sandalwood trees to the Government and to extract the same subject to such conditions as he may think fit and in accordance with the provisions of the rules and communicate a copy of such order to the owner of sandalwood tree and the concerned Forest Ranger. The District Forest Officer may also refuse to grant such permission, after recording the reason therefore. (b) The District Forest Officer shall before granting permission for extraction obtain necessary permission from the concerned District Committee, if the area in which the sandalwood trees are grown is notified either under the Tamil Nadu Preservation of Private Forests Act, 1949 (Tamil Nadu Act of 1949) or the Tamil Nadu Hill Areas (Preservation of Trees) Act, 1955 (Tamil Nadu Act of 1955).

(3) Hammer Marking.—The District Forest Officer shall direct the Forest Ranger to extract the sandalwood trees, hammer mark them and transport the extracted trees to the nearest “Final Cleaning Depot” under proper permit. The extraction of trees and recording their measurement in the column 1, 2 and 3 in Form-III shall be done in the presence of the owner of sandalwood tree or his authorized agent and the signature of the person referred to above shall be



obtained. The other details in Form-III shall be maintained by the concerned Depot Ranger.

(4) Final Cleaning and Assessment of work.—After processing the final cleaning of the extracted sandalwood trees in the “Final Cleaning Depot”, the final cleaning records will be made available to the owner of the sandalwood tree or his authorized agent on demand. The particulars regarding the weight of the “Final cleaned wood” shall be recorded in Form-IV. The quantity of final cleaned wood including sapwood and their value calculated based on the average sale price of previous sale of the concerned “Final Cleaning Depot” shall be intimated by the District Forest Officer of that “Final Cleaning Depot”, to the District Forest Officer of the concerned division from whose jurisdiction the sandalwood trees were extracted. Explanation.—“Final Clean Wood” means the wood as sorted and classified in rule-29 of the Rules regarding Selection, Felling, Cleaning, Classification and disposal of sandalwood and method of maintaining depot accounts and other register.

(5) Save as otherwise provided in these Rules, Felling, Cleaning, Classification and disposal of Sandalwood and the method of maintaining depot accounts and other registers shall be carried out as provided in the Rules regarding, Selection, Felling, Cleaning, Classification, Disposal of Sandalwood and



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method of maintaining depot accounts and other registers.”

5. R.6 deals with fixation of price. As the rules permit sale of such land and 80% of the sale price shall be the net sale price will be paid to the owner of the sandalwood tree. The authorities cannot delay the proceedings. Now a days it is very difficult to protect the sandalwood trees even in the patta lands. There are many instances, even in the well secured places like Collector residence, Police officials residence, the sandalwood have been removed by the smugglers. Such being the scenario, the well grown sandalwood trees still allowed to be continued in the patta land that may also fall prey to the smugglers.

6. Taking into consideration the above situation prevailing in the state, respondents are directed to consider the petitioners application and grant permission within two weeks after following appropriate procedure as contemplated under Tamil Nadu Sandalwood Trees Patta Land rules, 2008.

With the above directions, the Writ Petition is disposed of. No costs.



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Index:Yes/No

Speaking/Non-speaking order

Neutral citation:Yes/No

To

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