



W.P.Nos.35103 of 2003

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.Nos.35103,35110,35111 and 35112 of 2003

W.P.No.35103 of 2003

R.Palaniswamy

...Petitioner

Vs.

1.The State of Tamil Nadu
Rep by its Secretary to Government
Environment & Forest Department
Fort.St. George, Chennai-9

2.The District Collector
Coimbatore District

3.The District Forest Committee
Rep by its Chairman
The District Collector, Coimbatore

4.The District Registrar
Registration Dept
Coimbatore-18

5.The Sub Registrar (Registration)
Anaimalai Hills, Anamalai
Coimbatore Dist.



W.P.Nos.35103 of 2003

6.Conservator of Forest
Pollachi

..Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus calling for the records relating to the impugned order passed by the first respondent vide G.O.Ms.No.70 Environment & Forest Department dated 09.04.2003 and the consequential order passed by the second respondent vide Ref.Na.Ka.No.17277/02/A2 dated 04.06.2003 and the order of the 5th respondent vide Na.Ka.No.310/2003 dated 11.08.2003 quash the same and direct the respondents 1 and 2 herein either to exempt the land belonged to the petitioner from the operation of Sec.3 of the Tamil Nadu Preservation of Private Forest Act or to ratify the sale deeds in favour of the petitioner dated 04.12.1992 and registered as Doc.No.62/1993 before the Sub Registrar of Anamalai by passing appropriate orders.

W.P.No.35110 of 2003

R.P.Mahesh Kumar

...Petitioner

Vs.

1.The State of Tamil Nadu
Rep by its Secretary to Government
Environment & Forest Department
Fort.St. George, Chennai-9

2.The District Collector
Coimbatore District



W.P.Nos.35103 of 2003

3.The District Forest Committee
Rep by its Chairman
The District Collector, Coimbatore

4.The District Registrar
Registration Dept
Coimbatore-18

5.The Sub Registrar (Registration)
Anaimalai Hills, Anamalai
Coimbatore Dist.

6.Conservator of Forest
Pollachi

..Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus calling for the records relating to the impugned order passed by the first respondent vide G.O.Ms.No.70 Environment & Forest Department dated 09.04.2003 and the consequential order passed by the second respondent vide Ref.Na.Ka.No.17277/02/A2 dated 04.06.2003 and the order of the 5th respondent vide Na.Ka.No.310/2003 dated 11.08.2003 quash the same and direct the respondents 1 and 2 herein either to exempt the land belonged to the petitioner from the operation of Sec.3 of the Tamil Nadu Preservation of Private Forest Act or to ratify the sale deeds in favour of the petitioner dated 04.12.1992 and registered as Doc.No.62/1993 before the Sub Registrar of Anamalai by passing appropriate orders.



W.P.Nos.35103 of 2003

W.P.No.35111 of 2003

P.Gandhimathi

...Petitioner

Vs.

1.The State of Tamil Nadu
Rep by its Secretary to Government
Environment & Forest Department
Fort.St. George, Chennai-9

2.The District Collector
Coimbatore District

3.The District Forest Committee
Rep by its Chairman
The District Collector, Coimbatore

4.The District Registrar
Registration Dept
Coimbatore-18

5.The Sub Registrar (Registration)
Anaimalai Hills, Anamalai
Coimbatore Dist.

6.Conservator of Forest
Pollachi

..Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus calling for the records relating to the impugned order passed by the first respondent vide G.O.Ms.No.70 Environment & Forest Department dated 09.04.2003 and the consequential order passed by the second respondent vide



W.P.Nos.35103 of 2003

Ref.Na.Ka.No.17277/02/A2 dated 04.06.2003 and the order of the 5th respondent vide Na.Ka.No.310/2003 dated 11.08.2003 quash the same and direct the respondents 1 and 2 herein either to exempt the land belonged to the petitioner from the operation of Sec.3 of the Tamil Nadu Preservation of Private Forest Act or to ratify the sale deeds in favour of the petitioner dated 04.12.1992 and registered as Doc.No.62/1993 before the Sub Registrar of Anamalai by passing appropriate orders.

W.P.No.35112 of 2003

R.P.Balamani

...Petitioner

Vs.

1.The State of Tamil Nadu
Rep by its Secretary to Government
Environment & Forest Department
Fort.St. George, Chennai-9

2.The District Collector
Coimbatore District

3.The District Forest Committee
Rep by its Chairman
The District Collector, Coimbatore

4.The District Registrar
Registration Dept
Coimbatore-18

5.The Sub Registrar (Registration)
Anaimalai Hills, Anamalai
Coimbatore Dist.



W.P.Nos.35103 of 2003

6.Conservator of Forest
Pollachi

..Respondents

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PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus calling for the records relating to the impugned order passed by the first respondent vide G.O.Ms.No.70 Environment & Forest Department dated 09.04.2003 and the consequential order passed by the second respondent vide Ref.Na.Ka.No.17277/02/A2 dated 04.06.2003 and the order of the 5th respondent vide Na.Ka.No.310/2003 dated 11.08.2003 quash the same and direct the respondents 1 and 2 herein either to exempt the land belonged to the petitioner from the operation of Sec.3 of the Tamil Nadu Preservation of Private Forest Act or to ratify the sale deeds in favour of the petitioner dated 04.12.1992 and registered as Doc.No.62/1993 before the Sub Registrar of Anamalai by passing appropriate orders.

For Petitioners : Mr.C.V.Vijaya Kumar
in all the cases

For Respondents : Mrs.R.Anitha Spl.G.P
in all the cases

COMMON ORDER

Writ Petitions are filed seeking to issue a Writ of Certiorarified mandamus calling for the records relating to the impugned order passed by the first respondent vide G.O.Ms.No.70 Environment & Forest Department dated 09.04.2003 and the consequential order passed by the second



W.P.Nos.35103 of 2003

respondent vide Ref.Na.Ka.No.17277/02/A2 dated 04.06.2003 and the

order of the 5th respondent vide Na.Ka.No.310/2003 dated 11.08.2003

quash the same and direct the respondents 1 and 2 herein either to exempt the land belonged to the petitioners from the operation of Sec.3 of the Tamil Nadu Preservation of Private Forest Act or to ratify the sale deeds in favour of the petitioners dated 04.12.1992 and registered as Doc.No.62/1993 before the Sub Registrar of Anamalai by passing appropriate orders.

2. Learned counsel appearing on behalf of the petitioners sought permission of this Court to withdraw these Writ Petitions and filed an memo to that effect. The memo filed on behalf of the petitioners reads as follows:

“ MEMO FILED ON BEHALF OF THE PETITIONERS

The above writ petition, was filed by the petitioner, seeking the relief of issuance of Writ of Certiorarified mandamus calling for the records relating to the impugned order passed by the first respondent vide G.O.Ms.No.70 Environment & Forest Department dated 09.04.2003 and the consequential order passed by the second respondent vide



Ref.Na.Ka.No.17277/02/A2 dated 04.06.2003 and the order of the 5th respondent vide Na.Ka.No.310/2003 dated 11.08.2003 quash the same and direct the respondents 1 and 2 herein either to exempt the land belonged to the petitioners from the operation of Sec.3 of the Tamil Nadu Preservation of Private Forest Act or to ratify the sale deeds in favour of the petitioners dated 04.12.1992 and registered as Doc.No.62/1993 before the Sub Registrar of Anamalai by passing appropriate orders and pass such further or other orders.

2. This Hon'ble Court granted Interim Stay of operation of the impugned order while admitting the Writ Petition and the Interim Stay of the operation of the order is still in force. It is hereby submitted that during the pendency of the Writ Petition, the Government of Tamil Nadu amended the Tamil Nadu Preservation of Private Forests Act (Act VIII of 2015) on August 3, 2015, and the same came into effect from 09.07.201. As per the amended Act, after Section 4 of the Act, Section 4-A was inserted which read as follows.

“4-A.Sanction to purchaser:- (1) Notwithstanding anything contained in sub-section (1) of section 3, the purchaser of the whole or any portion of the forest which has been sold by the owner of such forest without any previous sanction



W.P.Nos.35103 of 2003

of the committee under clause (a) of sub-section (1) of section 3, may apply to the committee for sanction to retain the whole or any portion of the forest, within such time as may be prescribed.

(2) The committee may, by order, accord the sanction for the whole or any portion of the forest specified in the application, subject to such conditions as it may deem fit (with effect from 09.07.2018)

In the above mentioned facts and circumstances, this Hon'ble Court may be pleased to permit the Writ Petitioner to withdraw the Writ Petition with liberty to raise all the grounds raised in the Writ Petition subject to the result of the application filed by the petitioner under Sec.4-A of the Tamil Nadu Preservation of Private Forests Act (Act VIII of 2015), to the committee under Clause (a) of Sub-Section (1) of Section 3"

Recording the submissions made and the memo filed by the learned counsel for the petitioners, these Writ Petitions are dismissed as withdrawn with liberty to the petitioners to approach the Committee. The memo filed on behalf of the petitioners shall form part of the records. No costs.

25.01.2023

kpr

Internet: Yes

Speaking/non-speaking order



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To

1.The Secretary to Government
State of Tamil Nadu
Environment & Forest Department
Fort.St. George, Chennai-9

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N. SATHISH KUMAR, J.

kpr

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