



W.P.Nos.3806, 3809, 3811,
3812 & 3815 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition Nos.3806, 3809, 3811, 3812 & 3815 of 2023

Marimuthu	..	Petitioner in WP No.3806/23
Govindaraji	..	Petitioner in WP No.3809/23
Vinoth	..	Petitioner in WP No.3811/23
Krishnan	..	Petitioner in WP No.3812/23
Kaliyaperumal	..	Petitioner in WP No.3815/23

Vs.

1. The District Collector
Dharmapuri District.
2. The Tahsildar
Pappireddipatty Taluk
Dharmapuri District.



W.P.Nos.3806, 3809, 3811,
3812 & 3815 of 2023

WEB COPY

3. The District Forest Officer
Dharmapuri Forest Circle
Dharmapuri.
4. The Forest Range Officer
Kottapatti
Dharmapuri District.
5. The Forest Officer
Thumbal Section
Salem District.

.. Respondents

Prayer: Writ Petitions under Article 226 of the Constitution of India praying for a writ of Certiorari to call for the records of the fourth respondent in Na.Ka.No.139/2022 dated 25.01.2023 under Section 68-A of the Tamil Nadu Forest Act, 1882 and quash the same.

For the Petitioners : Mrs.R.Dakshayini Reddy
Senior Counsel
For Mr.S.Nedunchezhiyan

For the Respondents : Mr.R.Shunmugasundaram
Advocate General
Assisted by
Mr.P.Muthukumar
State Government Pleader
for Respondents 1 & 2

Mr.J.Ravindran
Additional Advocate General
Assisted by
Mr.T.Sreenivasan
Special Govt. Pleader (Forest)
for Respondents 3 to 5



WEB COPY



W.P.Nos.3806, 3809, 3811,
3812 & 3815 of 2023

ORDER

(Made by the Hon'ble Acting Chief Justice)

All the writ petitions have been filed challenging the order of the fourth respondent issued under Section 68A of the Tamil Nadu Forest Act, 1882 and Rules 2 and 3 of the Tamil Nadu Forest Land Removal of Encroachment Rules, 1981.

2. Learned Senior Counsel appearing for the petitioners submitted that the petitioners are residing in the place in question, which formed part of vast extent of land and classified as forest waste land, even prior to independence by clearing the thorny bushes and rough soils. They cultivated millets and thereafter, carried out agricultural activities. Considering their long possession and enjoyment of the land in question and the vegetative condition of the land, the Tahsildar, Harur, on 30.01.1975, recommended for the grant of patta and also requested the District Collector, Salem to hand over patta to the parties staying in 350 acres of land.



W.P.Nos.3806, 3809, 3811,
3812 & 3815 of 2023

WEB COPY

3. Learned Senior Counsel further submitted that the Tamil Nadu Forest Act, 1982 empowers the Government to declare any land, whether private or government, as a reserved forest area by issuing necessary notification and proclamation by the Forest Settlement Officer and the said notification and proclamation were intended to protect the interests of the occupiers of the land. Therefore, the petitioners, who are occupiers of the land, cannot be stated to be encroachers. Thus, the impugned notice is liable to be aside, as it was issued without giving due consideration to the reply given by the petitioners to the show cause notice.

4. Learned Senior Counsel requested that the petitioners may be given liberty to approach the Government by making a detailed representation, along with the documents available with them.

5. In response, learned Advocate General submitted that if the petitioners make any representation along with documents, the same will be duly considered.



W.P.Nos.3806, 3809, 3811,
3812 & 3815 of 2023

WEB COPY

6. In view of the above, these writ petitions are disposed of, directing the petitioners to make a detailed representation to the Secretary to Government, Forest Department, within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the Secretary, Forest Department, shall consider the same and pass orders, on merits and in accordance with law, without being influenced by this order. There will be no order as to costs. Consequently, WMP Nos.3874, 3879, 3880, 3881 and 3884 of 2023 are closed.

(T.R., ACJ.) (D.B.C., J.)
10.02.2023

Index : Yes/No
Neutral Citation : Yes/No

Note to Office:

A copy of this order be communicated to the Secretary to Government, Forest Department.

kpl



WEB COPY



W.P.Nos.3806, 3809, 3811,
3812 & 3815 of 2023

To

1. The District Collector
Dharmapuri District.
2. The Tahsildar
Pappireddipatty Taluk
Dharmapuri District.
3. The District Forest Officer
Dharmapuri Forest Circle
Dharmapuri.
4. The Forest Range Officer
Kottapatti
Dharmapuri District.
5. The Forest Officer
Thumbal Section
Salem District.



WEB COPY



W.P.Nos.3806, 3809, 3811,
3812 & 3815 of 2023

T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY,J
(kpl)

W.P.Nos.3806, 3809, 3811, 3812
& 3815 of 2023

10.02.2023