



WP No.9362 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2023

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THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

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Dr.T.Murugavel

: Petitioner

Vs

- 1.The Principal Chief Conservator of Forests
Panagal Maligai,
Saidapet Chennai 15
- 2.The Union of India
Rep. by its Secretary
Ministry and Environment and Forests
Indies Parayavar Bhavan, New Delhi 110 003
- 3.The State of Tamil Nadu
rep. by its Principal Secretary
Department of Environmental and Forests
Fort St. George, Secretariat, Chennai 9
- 4.The Conservator of Forests
Coimbatore Circle, Tamil Nadu Forest Academy Campus
Coimbatore 641 002
- 5.The District Forest Officer
Tamil Nadu Forest Academy Campus
Coimbatore 641 002



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6.The District Forest Office & Deputy Director
Sathyamangalm Division
Sathyamangalm Tiger Reserve
Sathyamangalm, Erode District

7.The Conservator of Forests and field Director
Sathyamangalm Tiger Reserve
Sathyamangalm, Erode District

8.The Public Works Department
Rep. by its Superintending Engineer
Bhavani Basin Circle, Coimbatore

- 9.K.Pomman
- 10.M.Ammasai Kutti
- 11.N.Rangasamy
- 12.R.Velumani
- 13.S.Rangaraj
- 14.R.Moorthy
- 15.K.Murugan
- 16.K.Kanagarajan
- 17.P.Rangasamy
- 18.R.Kalisamy
- 19.D.Periyasamy
- 20.K.Ganeshmoorthy
- 21.R.Murugesan
- 22.M.Subramaniam
- 23.R.Palanisamy

: respondents

(Respondents 9 to 23 are impleaded as per
order dt.20.06.18 in WMP No.17130/18)

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to clear encroachments and prevent such encroachments in future in the reserved forest lands in the area of submergence of the Bhavani Sagar Dam and to discontinue leasing of Government lands in the area of submerged of the Bhavanisagar Dam for agriculture in the dry periods.



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For the Petitioner : Mr.R.Srinivas, Senior Counsel,
for Ms.Mythili Srinivas

For Respondents 1, 3 to 8 : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mr.K.M.D.Muhilan, A.G.P.

For Respondent No.2 : Mr.Karthikeyan

For Respondents 9 to 23 : Mr.P.Paramasiva Doss

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.R.Srinivas, learned Senior Counsel, for the petitioner, Mr.P.Muthukumar, learned State Government Pleader, for respondents 1, 3 to 8; Mr.Karthikeyan, learned counsel for the second respondent and Mr.P.Paramasiva Doss, learned counsel for respondents 9 to 23.

2. Encroachment is alleged on the forest land; in the area of submergence of the Bhavani Sagar Dam. Request is made to discontinue leasing of the Government property and also to clear the encroachments. According to the private respondents 9 to 23, they are legitimately in possession of the property under a valid lease of the Government. The Government can execute lease of its property for agricultural purpose.



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3. In the present matter, we are not deciding about the rights of the parties in view of the fact that status report has been filed by the Government. The list of encroachments has been given in paragraph 8 of the status report. Paragraphs 8 and 9 of the status report read as under:

“8.The list of encroachments in Vilamundi

Reserve Forests and Nilgiris Eastern Slope RF is

furnished below:

<i>Name of Reserve Forest</i>	<i>Name of the Encroachment Portion/Habitat</i>	<i>In the year 2016 Extent of Area in Ha</i>	<i>In the year 2016 No. of families</i>	<i>In the year 2018 Extent of Area in Ha</i>	<i>In the year 2018 No. of families</i>	<i>In the year 2023 Extent of Area in Ha</i>	<i>In the year 2023 No. of families</i>
Vilamundi	Mundankarai	59.09	29	51.01	29	52.032	34
	Samiyar Modakku	17.80	10	13.96	10	8.49	05
	Othapanaimara Kadu	61.92	29	64.14	29	36.69	18
	Thooramokkai	12.55	05	16.99	05	18.30	11
	Manalmedu	27.52	21	33.92	21	10.39	13
Nilgiris Eastern Slope RF	Boothikuppai	80.13	82	80.13	82	21.04	38
	Boothikuppai to Kembarai	37.23	31		Evicted		Evicted
	Karuvakandi to Nadukanchi	68.80	179		Evicted		Evicted
	Kembharai to Karuvakandi	76.08					
	Total	441.12	386	260.15	176	146.942	119



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9.It is respectfully submitted that following the implementation of various measures, including regular patrolling by the Forest Department in the encroachment area, prevention of new cultivation and removal of electric fences, the number of encroachers and encroachment area has declined from 441.122 ha to 146.942 ha. It is respectfully submitted that the eviction process involves the eviction of some landless poor families from six separate locations, and the eviction process will be taken up in a phased manner.”

4. It is stated that the encroachment shall be removed by the State Government. No doubt while removing the encroachment, the process of law will have to be followed. The parties may put-forth their case during the relevant stages when the Government would follow the process for eviction.

5. It is further stated that the eviction process would involve the eviction of some landless poor families from six separate locations. As such, the eviction process will be taken up in a phased manner.



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6. In view of the status report filed, there is no need to pass a separate order. The writ petition is disposed of. There will be no order as to costs. Consequently, WMP No.11174 of 2018 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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