



W.P.No.28884 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.28884 of 2023

Sasikala Dhanasekaran

.. Petitioner

Vs.

1. The Secretary to the Government
Forest Department
Fort St.George, Chennai – 600 009.
2. The Secretary to the Government
Rural Development, Fort St. George
Chennai – 600 009.
3. The Secretary to the Government
National Highways Department
New Delhi.
4. The District Collector
District Collector's Office
Chengalpattu District.
5. The District Forest Officer
Chennai Forest Division
No.259, 3rd Floor, DMS Complex
Teynampet, Chennai.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents to relay the road thereby enabling the bus route for the residents by issuing suitable direction on the petitioner's representation dated 31.05.2022.

For the Petitioner : Mr.Nanchil J Deekshith

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for R1, R2, R4 & R5

Mr.Su.Srinivasan
for R3

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.Nanchil J Deekshit, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader for respondents 1, 2, 4 and 5 and Mr.Su.Srinivasan, learned counsel for respondent 3.

2. Learned State Government Pleader submits that positive directions have been issued with regard to the maintenance of the existing road and tender would be floated for the same. The following



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WEB COPY information has been placed on record:

"In accordance to the guidelines of the Government of India as the road was constructed on Forest land prior to 1980 i.e., before enactment of Forest(Conservation) Act 1980, and also as per Principal Chief Conservator of Forests, Chennai Ref.No. TS1/18226/2023 dated 22.08.2023 the Divisional Engineer Highways is permitted to carryout maintenance work to the existing road to the length of 2000 meter and width between 5 to 7 meter including berms in Unamancheri Reserved Forest without breaking of Forest Land or felling of trees and without widening of the existing road with the following conditions as stipulated by the Government of India vide letter FC11/117/2019-FC dated 9.11.2020.

I. No breaking up of forest land or felling of trees shall be allowed.



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II. While black topping, adequate precautions should be undertaken by the User Agency to avoid any damage to flora and fauna. Fire for melting of coal tar and mixing shall be lit at a safe distance from the trees/vegetation and avoiding dry/hot seasons. Fuel wood, if required, shall be purchased in advance from the Depot of Forest Development Corporations.

III. No crushing/breaking of stones shall be allowed inside forest areas. Ready made materials shall be used for up-gradation of such roads. No labour camp shall be allowed on the forest land.

IV. No widening of the road is allowed. Both side of the upgraded road shall be reinforced with brick/stone works, and vegetative measures to check soil erosion at the project cost in consultation with the District Forest Officer, Chennai and Forest Range Officer, Tambaram.

V. Any other condition the District Forest Officer



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may impose from time to time in the interest of forest conservation and protection.”

3. As a decision has been taken with regard to the maintenance of the road and floating of tender, the respondents shall proceed ahead in accordance with law expeditiously.

4. With these observations, the writ petition stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

06.10.2023

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
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