



WP No.26885 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.26885 of 2022
and WMP Nos.25978 and 25979 of 2022

M.Madheswari

.. Petitioner

-VS-

1. The District Collector,
O/o District Collector,
Salem District.
2. The District Forest Officer,
Attur Forest Division, Kattukottai Post,
Attur Taluk, Salem District.
3. The Forest Settlement Officer,
Office of Forest Settlement Officer,
Attur, Salem District.
4. The Forest Ranger,
Thumbal Range,
Pethanaickenpalayam Taluk,
Salem District.
5. The Block Development Officer,
Pethanaickenpalayam Block,
Salem District.

.. Respondents



WP No.26885 of 2022

WEB COPY

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd respondent vide his letter in Na.Ka.No.8749/2020 va1 dated 03.05.2021 and quash the same and consequently direct the respondents 2 to 4 to grant permission to lay the Thar Road in between Old Mamanji to Elanthavari Village (from Mamanji Ashokan Thottam to Elanthavari Selvakumar Thottam), Pappanaickenpatti Panchayat, Pethanaickanpalayam Taluk, Salem District, to an extent of 800 meter of forest land.

For the Petitioner : Mr.M.Vijayaragavan
For the Respondents : Mr.T.K.Saravanan
Government Advocate
for RR 1 to 4
: Mr.V.Nanmaran for R-5

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.M.Vijayaragavan, learned counsel for the petitioner, Mr.T.K.Saravanan, learned Government Advocate, for respondent Nos.1 to 4 and Mr.V.Nanmaran, learned counsel for respondent No.5.



WP No.26885 of 2022

WEB COPY

2. The learned counsel for the petitioner submits that directions be given to the respondents to construct Thar road instead of mud road. Moreover, the alignment of road may also be changed. The new road sought to be laid is not convenient and it would take a longer distance. In fact, earlier the proposal was for construction of the Thar road and another road, however, the same has been subsequently cancelled, which is illegal and that would be against the interest of the villagers.

3. The counter-affidavit is filed by the second respondent. It is stated in the affidavit that the field inspection was conducted and the Block Development Officer, Pethanaickenpalayam, submitted a proposal to form a black top road from New Mamanji to Elanthavarikadu for an area of 4285 sq.m. having length of 857 metre and breadth of 5 meter and the same is admitted and permission is granted by the District Forest Officer, Salem. It is further stated in the affidavit that this Court in W.P.No.19280 of 2020 observed that the forest land should not be disturbed if there is any alternative route which is possible.



WP No.26885 of 2022

WEB COPY

4. It is not a case that road is not being laid. The road is laid as is stated in the affidavit and the counter-affidavit with a black top. The same would serve the purpose.

In view of the above, the writ petition is disposed of. There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(D.B.C., J.)

16.10.2023

Index : Yes/No

Neutral Citation : Yes/No

sra

To

1. The District Collector,
O/o District Collector,
Salem District.
2. The District Forest Officer,
Attur Forest Division, Kattukottai Post,
Attur Taluk, Salem District.
3. The Forest Settlement Officer,
Office of Forest Settlement Officer,
Attur, Salem District.

Page 4 of 6



WP No.26885 of 2022

WEB COPY

4. The Forest Ranger,
Thumbal Range,
Pethanaickenpalayam Taluk,
Salem District.
5. The Block Development Officer,
Pethanaickanpalayam Block,
Salem District.



WEB COPY



WP No.26885 of 2022

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sra)

WP No.26885 of 2022

16.10.2023