



W.P.No.25714 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2023

CORAM :

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.P.No.25714 of 2023

K.Yougandhar

.. Petitioner

Vs

- 1.The District Collector,
Thiruvallur District-601 201.
- 2.The Sub Collector,
Ponneri Post and Taluk,
Thiruvallur District-601 201.
- 3.The District Forest Officer (DFO),
Thiruvallur District-601 201.
- 4.The Tashildar,
Gummidipoondi Taluk,
Thiruvallur District-601 201.
- 5.The Divisional Engineer,
Electricity Department, Ponneri Post and Taluk,
Thiruvallur District-601 201.



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6.The Block Development Officer (BDO),
Gummidipoondi Union and Taluk,
Thiruvallur District-601 201.

- 7.M.Babu
- 8.M.Somu
- 9.M.S.Mohan
- 10.M.Dasaratha Raju
- 11.K.Madhava Raju
- 12.N.Bala Raju
- 13.N.Subramaniam Raju
- 14.M.Ramachandra Raju
- 15.K.Mohan Raju
- 16.M.Narasa Raju
- 17.G.Subramaniam Yadhav
- 18.K.O.Mani
- 19.K.Eswari
- 20.K.O.Subramaniam Raju
- 21.K.O.Jaya Kumar
- 22.K.Mani
- 23.K.Venkata Rama Raju
- 24.M.Chandar Raju
- 25.K.Ramakrishnamma Raju
- 26.N.Dhananjay Raju
- 27.K.P.Chengal Raju
- 28.K.P.Poorana Chandar Raju
- 29.M.Shankar Raju
- 30.K.Babu s/o K.Krishnamma Raju
- 31.M.Mageswar Raju
- 32.K.Sobha
- 33.K.P.Mani
- 34.Ramya
- 35.R.Mohan
- 36.D.Yuva Kumar
- 37.D.Vekataram Raju
- 38.K.Babu s/o K.Chengal Raju

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 6 to remove the encroachments in S.No.101/3, Melapakkam Village, Eguvarpalayam Post, Gummidipoondi Taluk, Thiruvallur District, put up by respondents 7 to 38 and take appropriate action against them for felling the trees and encroaching the forest land.

For the Petitioner : Mr.R.Udhaya Kumar

For the Respondents : Mr.P..Muthukumar
State Government Pleader
for respondent Nos.1 to 6

ORDER

(Order of the court was made by *S.Vaidyanathan, J.*)

The present writ petition has been filed by the petitioner for issuance of a writ of mandamus to direct respondents 1 to 6 to remove the encroachments made by respondents 7 to 38 in S.No.101/3 situated at Melapakkam Village, Gummidipoondi Taluk.

2. Since we are not passing any adverse order against respondent Nos.7 to 38 in the present writ petition, notice to respondent Nos.7 to 38 is dispensed with.



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3. It is submitted on behalf of the petitioner that though steps have been initiated to remove the encroachments made in the forest land in Survey No.101/3 as early as October, 2020 by issuance of eviction notice under Section 68A of the Tamil Nadu Forest Act, 1882, the removal has not taken place till date. Hence, the petitioner has filed the present writ petition to remove the encroachments made in Survey No.101/3.

4. A copy of "A" register in respect of Survey No.101/3 has been produced. On a perusal of the "A" register, it is seen that Survey No.101/3 has been classified as "Reserve Forest". Since Survey No.101/3 has been classified as "Reserve Forest", we are of the view that no one has power to squat on the said forest land.

5. It is also stated that earlier when action was initiated to evict the encroachers from the said forest land, the encroachers have raised law and order issue.



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6. Since Survey No.101/3 is classified as “Reserve Forest” and the same is alleged to be encroached by the private respondents, we direct the authority concerned to take steps to remove the encroachments made in Survey No.101/3 in accordance with law, after affording reasonable opportunity to the affected parties, within a period of three months from the date of receipt of a copy of this order. In the course of removal of encroachments, if the authority concerned finds any law and order issue, the authority can very well write to the jurisdictional police, who are, in turn, directed to render necessary police assistance for removal of encroachments.

7. We direct the officials to adhere to the decision in W.P.(MD) No.16120 of 2023, dated 30.08.2023 (*N.Sankar v. The Principal Secretary, Town and Country Planning, Government of Tamil Nadu and three others*) to avoid disciplinary proceedings being initiated against them.



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8. With the above direction, the writ petition is disposed of.

There will be no order as to costs. We make it clear that we have not passed any adverse order against the private respondents, as it is for the authority concerned to take necessary action against the encroachers in accordance with law.

(S.V.N., J.) (K.R.S., J.)
31.08.2023

Index : Yes/No
Neutral Citation : Yes/No
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