



W.P.No.27509 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Kumbalam Grama Makkal Nalasangam
Regd.No.Sl.No.88/2018
Rep. by its Secretary N.Basuvaraj
No.4/714, Kumbalam Village & Post
Shoolagiri Taluk
Krishnagiri District.

.. Petitioner

Vs.

1. The Secretary to Government
Forest Department
Fort St. George
Chennai 600 009.
2. The Principal Chief Conservator of Forests
Panagal Maaligai, Saidapet
Chennai 15.
3. The District Collector
Krishnagiri District, Krishnagiri.
4. The Forest Settlement Officer
Krishnagiri, Krishnagiri District.



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5. The Tahsildar
Shoolaigiri Taluk, Shoolagiri
Krishnagiri District.
6. The District Forest Officer
Hosur Cattle Farm
Mathigiri Post, Mathigiri
Hosur Taluk, Krishnagiri District.
7. The Secretary to Government
Forest Department
Government of India
New Delhi.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 7th respondent to issue necessary order for conversion of the land classification from Forest to Government Village Natham insofar as it relates to land situated in Old S.Nos.74/1, 9, 10, 13 and 14, New S.No.118 to 187, Kumbalam Village, Sulagiri Taluk, Krishnagiri District by taking note of the order passed by the 5th respondent in his proceedings Pa.Mu.1833/2021(A-2) dated 21.12.2021.

For the Petitioner : Mr.C.Prakasam

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



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ORDER
(Made by the Hon'ble Chief Justice)

We have heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader for the respondents 1 to 6.

2. The prayer is made to direct the seventh respondent to issue necessary orders for conversion of the land classification from Forest to Government Natham.

3. Learned counsel for the petitioner submits that the members of the petitioner association are residing on the said land, along with other villagers. The Forest Officer has already recommended for conversion of the said land to Natham. He submits that even a petition is filed for impleading the Central Government as a party.

4. An affidavit is filed by the Assistant Conservator of Forests dated 20.10.2023. Upon perusal of the affidavit, it is manifest that the encroachers have submitted applications to the Forest Settlement



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Officer to exclude the subject land from Reserve Forest. The District Forest Officer objected to it and stated that the land is classified as Kadu. The District Forest Officer further declared the land as Reserve Forest. The notification was processed upon the recommendation of the District Collector to declare the lands as Reserve Forest under Section 16 of the Tamil Nadu Forest Act. The then Forest Settlement Officer acted in a prejudicial manner and by abuse and misuse of power, rejected the request of the Forest Department to retain the subject land as forest land. The affidavit reiterates that the land is classified as Kadu under Section 4 of the Tamil Nadu Forest Act, 1882 and comes under the contour of Forest Conservation Act, 1980.

5. The Government has transferred the subject land as a Reserve land. The affidavit further refers to the orders of the Apex Court dated 13.11.2000 in I.A.No.2 in W.P.No.337 of 1995 to the effect that dereservation of forest land is not permissible without the prior permission of the Apex Court.

6. In the light of the above, the prayer of the petitioner cannot



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be considered. The writ petition, as such, stands dismissed. There will be no order as to costs. Consequently, W.M.P.No.19165 of 2023 is also dismissed.

(S.V.G., CJ.)

(D.B.C., J.)

18.12.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

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THE HON'BLE CHIEF JUSTICE
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