



W.P.No.34291 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.34291 of 2017

A.Shanmughan

... Petitioner

VS.

- 1.The State of Tamil Nadu,
Represented by the Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai – 600 009.
- 2.The Principal Chief Conservator of Forest,
Panagal Buildings,
Saidapet, Chennai – 600 015.
- 3.The Chairman,
High Level Committee,
Constituted under TNPPF Act,
Additional Principal Chief Conservator of Forests,
(Forest Conservation Act),
Office of the Principal Chief Conservator of Forest,
Chennai – 600 015.
- 4.The Chief Conservator of Forests,
Office of the Principal Chief Conservator of Forest,
Chennai – 600 015.



W.P.No.34291 of 2017

WEB COPY

5.The District Collector,
Nilgiris District,
Nilgiris – 643 001.

6.The District Forest Officer,
Nilgiris South, Gudalur,
Gudalur Bagaar Post,
Nilgiris-643212.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to consider the representations dated 28.11.2012, 08.04.2014, 18.02.2015, 03.05.2016 and 18.11.2016 made by the Petitioner, in compliance with the direction issued by this Court in the order dated 28.06.2013 passed in W.A.No.2154 of 2011 and to exempt the lands comprised in Old Survey No.175/73, New S.No.534/1 and Old S.No.175/70, New S.No.534/3 measuring an extent of 1.70 acres and 1.30 acres at Muuanad Village, Nilgiris District and consequently declare that the Tamil Nadu Preservation of Private Forest Act, 1949 is not applicable to the above lands.

For Petitioner : Mr.M.Vijayamehanath

For Respondents : Mr.J.Ravindran
Additional Advocate General-IX
Assisted by Mr.C.Selvaraj



W.P.No.34291 of 2017

ORDER

The writ petitioner seeks a direction to the respondents to consider the representations dated 28.11.2012, 08.04.2014, 18.02.2015, 03.05.2016 and 18.11.2016 made by the petitioner and consequently, declare that the Tamil Nadu Preservation of Private Forest Act, 1949 is not applicable to the lands comprised in Old Survey No.175/73, New S.No.534/1 and Old S.No.175/70, New S.No.534/3 measuring an extent of 1.70 acres and 1.30 acres at Muuanad Village, Nilgiris District.

2. When the writ petition is taken up for hearing, the learned Additional Advocate General-IX appearing for the respondents submits that as on today, the 3rd respondent, High Level Committee is not functioning and the representations submitted by the petitioner will be considered by the 1st respondent.

3. The learned counsel appearing for the petitioner in reply submitted that his representation shall be considered in the light of the status report filed by the 5th respondent herein.



W.P.No.34291 of 2017

4. In view of the submissions made by both the learned counsel for the petitioner and learned Additional Advocate General-IX appearing for the respondents, this Court is inclined to direct the petitioner to give fresh representation to the 1st respondent within a period of two weeks from the date of receipt of copy of this order. The 1st respondent is directed to consider the representation of the petitioner and pass final orders on merits and in accordance with law, within a period of six weeks from the date of submission of the representation by the petitioner.

5. With the above directions, the writ petition stands disposed of. No costs.

14.09.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



W.P.No.34291 of 2017

To

WEB COPY

1. The Secretary to Government,
State of Tamil Nadu,
Environment and Forest Department,
Fort St. George,
Chennai – 600 009.
2. The Principal Chief Conservator of Forest,
Panagal Buildings,
Saidapet, Chennai – 600 015.
3. The Chairman,
High Level Committee,
Constituted under TNPPF Act,
Additional Principal Chief Conservator of Forests,
(Forest Conservation Act),
Office of the Principal Chief Conservator of Forest,
Chennai – 600 015.
4. The Chief Conservator of Forests,
Office of the Principal Chief Conservator of Forest,
Chennai – 600 015.
5. The District Collector,
Nilgiris District,
Nilgiris – 643 001.
6. The District Forest Officer,
Nilgiris South, Gudalur,
Gudalur Bagaar Post,
Nilgiris-643212.



WEB COPY



W.P.No.34291 of 2017

S.SOUNTHAR, J.

dm

W.P.No.34291 of 2017

14.09.2023