



W.P. (MD).No.16389 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.11.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.16389 of 2021
and W.M.P(MD)No.13243 of 2021

S.Shenherlal

... Petitioner

Vs

1. The Principal Secretary to Government,
Environment, Climate Change and Forest Department,
Secretariat, Chennai – 600 009.
2. The Principal Chief Conservator of Forests,
Department of Forests, Panagal Maaligai,
Saidapet, Chennai – 600 015.
3. The Additional Principal Chief Conservator of Forests,
Madurai Circle, 2, Race Course Road,
Madurai – 625 002.
4. The District Collector,
Collectorate , Madurai – 625 020.
5. The District Forest Officer,
Madurai Division, 2, Race Course Road,
Madurai – 625 002.
6. The Forest Range Officer,
Thirumangalam Social Forestry,
Madurai Social Forestry Division, Thirumangalam
Madurai.



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7. The Forester,
Thirumangalam Social Forestry,
Madurai Social Forestry Division,
Thirumangalam, Madurai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ Certiorari, calling for the records relating to the impugned Order issued by the fifth respondent in Na.Ka.No.3361/2018/A3, dated 10/08/2021 and quash the same.

For Petitioner : Mr. G. Prabhu Rajadurai

For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

When the writ petition came up for hearing on 14.09.2021, this Court passed the following order:

“The petitioner challenges an order dated 10.08.2021 by which it was concluded that the petitioner had carried out felling of trees in areas for which licence had not been granted thereby causing a loss of Rs.42,58,135/- to the Government.

2. The petitioner contends that the impugned order was issued without taking into consideration the petitioner's reply dated 04.08.2021 and, more importantly, without providing the petitioner a copy of the report on which reliance was placed by the respondents. Upon perusal of the impugned order, prima facie such order does not indicate that the



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petitioner's reply was taken into consideration. In addition, it prima facie does not indicate the basis on which the conclusions contained therein were arrived at. Therefore, there shall be an order of interim stay of further proceedings pursuant to the impugned order dated 10.08.2021 for a period of three weeks from the date of receipt of a copy of this order.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. The respondents are directed to obtain necessary instructions and file a counter-affidavit within three weeks.

4. Let the matter appear on 05.10.2021”

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3.In the considered view of this Court, the impugned proceedings of the fifth respondent dated 10.08.2021 suffers from violation of principles of natural justice. The stand of the petitioner taken in the reply dated 04.08.2021 was never taken into consideration. That apart, the copy of the report relied upon by the respondents was not given to the petitioner. Therefore, the petitioner was also not aware about the contents of the report. The impugned proceedings of the fifth respondent



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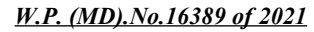
has civil consequences and hence, such an order could not have been passed without affording sufficient opportunity to the petitioner.

4. Accordingly, the impugned proceedings of the fifth respondent in Na.Ka.No.3361/2018/A3, dated 10.08.2021 is hereby quashed. The matter is remanded back to the file of the fifth respondent. The fifth respondent shall issue notice and provide copy of the report that was relied upon by the respondents and afford opportunity to the petitioner to put forth his defence. Thereafter, final orders can be passed by the fifth respondent in accordance with law. This exercise shall be completed within a period of three months from the date of receipt of copy of this order.

5. In the result, this writ petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

29.11.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
PNM



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Secretariat, Chennai – 600 009.

3. The Additional Principal Chief Conservator of Forests,
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Madurai – 625 002.

5. The District Forest Officer,
Madurai Division, 2, Race Course Road,
Madurai – 625 002.

7. The Forester,
Thirumangalam Social Forestry,
Madurai Social Forestry Division,
Thirumangalam, Madurai.



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N.ANAND VENKATESH, J.

PNM

ORDER IN
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