



W.P(MD)No.14524 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.P(MD)No.14524 of 2015
and
M.P(MD)Nos.1 to 5 of 2015**

M.Sureshkumar

... Petitioner

Vs.

1.Union of India

Rep. by its Secretary,
Ministry of Forest, Environment and Climate Change,
Indira Paryavaran Bhavan,
Jorbagh Road,
New Delhi -110 003.

2.State of Tamil Nadu

Rep. by its Principal Secretary
Environment and Forest Department
Fort St. George,
Chennai - 600 009.



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3.The Principal Chief Conservator of Forest,
O/o. the Principal Chief Conservator of Forest,
Panagal Maaligai,
Saidapet,
Chennai.

4.The Conservator of Forest,
O/o. the Conservator of Forest,
Collectorate Building,
Virudhunagar,

5.The Wildlife Warden
Grizzled Squirrel Wildlife Sanctuary,
Srivilliputhur,
Virudhunagar District.

6.The District Collector,
Virudhunagar District,
Virudhunagar.

7.The District Collector
Madurai District,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Government Order in G.O.(D)No.32



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ENVIRONMENT AND FOREST (FRV) DEPARTMENT dated 27.01.2015

on the file of the Respondent No.2 and the consequential Impugned Tender Notice in No.1/2015 dated 10.07.2015 on the file of the Respondent No.5 and quash the same as illegal and consequently for a direction, forbearing the Respondents from extending the foot pathway from Thaniparai to Sathuragiri Sundaramahalingam Temple at Grizzled Squirrel Sanctuary, Srivilliputhur, Virudhunagar District in gross violation of the Forest Conservation Act, 1980 and Wild Life Protection Act, 1972 and to prevent the unauthorized entry of people, devotees into Reserve Forest and ban all plastic and other bio-non degradable materials inside the sanctuary with a time frame stipulated by this Court and further to strictly implement the provisions of Sections 27, 30 and 32 of the Wild Life Protection Act, 1972.

For Petitioner : Mr.T.Lajapathi Roy,

Senior Counsel

for M/s.Lajapathi Roy Associates

For Respondents : Mr.P.Thilak Kumar – for R2 to R7

Government Pleader



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ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard Mr.T.Lajapathi Roy, learned Senior Counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 2 to 7.

2. The learned counsel for the petitioner submits that the Writ Petition was filed challenging the Government Notification dated 27.01.2015 wherein, the respondents were trying to construct a road in the Wild Life Sanctuary.

3. The learned counsel submits that during the pendency of the Writ Petition, the said Wild Life Sanctuary has been upgraded as a Tiger Reserve. Unless the respondent authorities seek permission of the National Wild Life Board, no construction activities can take place.

4. The authorities certainly will have to comply with the provisions as existing. It is submitted that only pathway is being used and the road has not been constructed. If the respondents want to



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undertake some activity or construction, naturally, the permission as required under the relevant Act and statues will have to be taken.

5. With these observations, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.V.G., C.J.]

[K.K.R.K, J.]

29.11.2023

Index : Yes / No
Neutral Citation : Yes / No

RM



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THE HONOURABLE CHIEF JUSTICE

and

K.K.RAMAKRISHNAN, J.

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