



W.P.(MD) No.19923 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.(MD) No.19923 of 2023
and
W.M.P.(MD) No.16454 of 2023**

- 1.B.Muthumani
- 2.P.Rajasekaran
- 3.P.Rajasewari
- 4.K.Natarajan
- 5.P.Ramar
- 6.S.Jeevammal
- 7.A.Pooranam
- 8.E.Ponnurangan
- 9.P.Athiveeraraj
- 10.M.Muthu

... Petitioners

-VS-



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- 1.State of Tamil Nadu
rep.by Secretary
Department of Environment and Forests
Secretariat, Fort St.George
Chennai-9
- 2.The Principal Chief Conservator of Forest
Panagal Building
Saidapet, Chennai-15
- 3.The District Forest Officer
O/o.The District Forest Office
Virudhunagar District
- 4.The Forest Range Officer
O/o.The Forest Range
Srivilliputhur Range
Virudhunagar District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus to forbear the respondents 3 to 4 from evicting the petitioners from the lands under their occupation in S.No.31, Thiruchalar Village, Rajapalayam Taluk, Virudhunagar District, without following due process of law as provided under the Tamil Nadu Forest Lands (Eviction of Encroachments) Rules, 1981.

For Petitioners : Mr.T.Lajapathi Roy, Senior Counsel
for M/s.Lajapathi Roy and Associates

For Respondents : Mr.M.Lingadurai
Special Government Pleader



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ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

Mr.M.Lingadurai, learned Special Government Pleader, takes notice for the respondents.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

3. This writ petition is filed for issuance of a writ of mandamus forbearing the respondents 3 & 4 from evicting the petitioners from the land, comprised in Survey No.31 of Thiruchalar Village, Rajapalayam Taluk, Virudhunagar District, which is under their occupation, without following due process of law, as provided under the Tamil Nadu Forest Lands (Eviction of Encroachments) Rules, 1981 (for brevity, “1981 Rules”).

4. The petitioners claim that they belong to Scheduled Caste Community and they are engaged in agricultural activities for long number of years. They appear to be in possession of 31 Acres of land in Survey No.31 of Thiruchalar Village. It is admitted that the said land is classified as “Forest Land” in the A-Register.



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5. It is the case of the petitioners that they have planted fruit bearing trees, such as, jack fruit, mango, tamrind, guava, coconut, silk cotton and are cultivating sessame and millets etc. in the said land to eke out their livelihood. It is the further case of the petitioners that the respondents 3 & 4 are trying to evict them without following due process of law. It is also stated that on 31.07.2023, a board has been erected indicating that the land in Survey No.31 is a forest land. Referring to the provisions of 1981 Rules, the petitioners state that the respondents cannot evict them without following due process of law.

6. Learned Special Government Pleader appearing for the respondents states that under Section 26 of the Tamil Nadu Forest Act, 1882 (for brevity, “the Forest Act”), the District Collector, Virudhunagar District, has issued a notification, dated 20.07.2023, declaring the land in Survey No.31 and other survey numbers as “Reserved Land” and therefore, all illegal activities, such as, cattle grazing and illicit tree cutting in the said lands are banned.

7. Learned Special Government Pleader further states that the respondents will initiate action only after the declaration as mandated under



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Sections 4 and 6 of the Forest Act.

8. Recording the above statement of the learned Special Government Pleader, this writ petition is disposed of with a direction to the respondents that the petitioners need not be disturbed otherwise than due process of law. It is also open to the respondents to take every other measures that they are entitled to, without interfering with the petitioners' possession of the subject land, till they take appropriate action after issuing due notice to the petitioners and others. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.]

[D.B.C., J.]

17.08.2023

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

1.The Secretary,
Department of Environment and Forests,
State of Tamil Nadu,
Secretariat, Fort St.George,
Chennai-9.

2.The Principal Chief Conservator of Forest,



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Panagal Building,
Saidapet, Chennai-15.

3.The District Forest Officer,
O/o.The District Forest Office,
Virudhunagar District.

4.The Forest Range Officer,
O/o.The Forest Range,
Srivilliputhur Range,
Virudhunagar District.



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