



WP(MD)No.3901 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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M.Mungarasamy

... Petitioner

v.

- 1.State of Tamil Nadu,
Rep. by the Secretary to Government,
Environment and Forest Department,
Fort St.George,
Secretariat, Chennai – 9.
- 2.The Principal Chief Conservator of Forests,
Office of the Principal Chief Conservator of Forests,
No.1, Jeenis Road,
Panagal Building, Saidapet,
Chennai – 15.
- 3.The Regional Conservator of Forests,
Southern Zone,
Race Course,
Madurai – 2.
- 4.The District Collector,
Virudhunagar District,
Virudhunagar.



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5.The Wild Life Warden,
Grizziled Squiril Sanctuary,
Madurai Main Road,
Srivilliputhur,
Virudhunagar District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to consider and pass appropriate orders on the petitioner's representation dated 25.02.2016 seeking compensation of Rs.39,84,160/- for the damages caused to 35 yielding coconut trees of the petitioner by the wild elephants in S.No. 1316/2B at Valaikulam Village, Srivilliputhur Taluk, Virudhunagar District.

For Petitioner : Mr.S.Veeranasamy

For Respondents : Mr.Ramesh Arumugam,
Government Advocate

ORDER

The petitioner is an Agriculturist, having lands in S.No.1316/2B, Valaikulam Village, Srivilliputhur Taluk, Virudhunagar District. He has planted around 250 coconut trees in the said land. On 07.08.2015, 17.08.2015



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and 12.09.2015, wild elephants came to his field and destroyed 35 yielding coconut trees. Therefore, he submitted a representation to the respondents to pay compensation of Rs.39,84,160/- for the damages caused to the 35 yielding coconut trees. Since the same has not been considered, he has filed this writ petition.

2.Learned Government Advocate, on instructions, submitted that compensation for the trees which were damaged due to wild animals has been prescribed in G.O.Ms.No.141, Environment and Forests (FR5) Department, dated 25.11.2016 and the petitioner is entitled for compensation of a sum of Rs.500/- per coconut tree. He further submitted that based on the petitioner's representation, the Forest Ranger, Srivilliputhur, had inspected the petitioner's land on 08.09.2015 and requested the petitioner to produce the patta, chitta and other revenue records, along with photographs for the damages. Thereafter, a further inspection was also made on 29.09.2015 and a report was submitted that 15 coconut trees were found to be damaged by the elephants.



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WEB COP 3. Learned Government Advocate further submitted that accordingly, a proposal was also made to the Conservator of Forests, Virudhunagar, on 29.01.2016 for sanctioning a sum of Rs.7,500/- for the damages of 15 coconut trees @ Rs.500/- per tree. However, the same was returned by the Conservator of Forests, Virudhunagar, for non-production of certificates from the Revenue Inspector and Village Administrative Officer concerned confirming the occurrence. Since the petitioner has not accepted the compensation amount awarded to him and in view of the pendency of this writ petition, the amount of Rs.7,500/- was not yet disbursed to the petitioner.

4.This Court paid it's anxious consideration to the rival submissions made on either side and perused the available materials.

5.The petitioner claims that 35 yielding coconut trees from his land were damaged by wild elephants in the year 2015. Therefore, he requested for compensation, but it has not been considered. The respondents claim that only 15 trees were found to be damaged and they have also sent a proposal to the



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Conservator of Forests to pay compensation of Rs.7,500/- for the damaged 15 coconut trees.

6.It appears that the proposal made to the Conservator of Forests was returned for want of some more particulars and this writ petition is also pending from the year 2016. The Department is taking a specific stand that if the wild animals cause damage to any crop / trees, then the owner is entitled for compensation in terms of G.O.Ms.No.141, Environment and Forests (FR5) Department, dated 25.11.2016. As per this Government Order, the eligible compensation amount for damages caused to a coconut tree is Rs.500/- per tree. However, the same has also not been disbursed to the petitioner for the past six years.

7.In view of the above, this writ petition stands disposed of, with a direction to the respondents to disburse the eligible compensation amount to the petitioner together with interest @ 12% per annum within a period of eight weeks from the date of receipt of a copy of this order. The first respondent shall also consider the present day position and pass suitable



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orders for enhancing the compensation for the damages caused by wild animals. There shall be no order as to costs.

Index : Yes / No

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Internet : Yes / No

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To

- 1.The Secretary to Government,
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B.PUGALENDHI, J.

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