



WP(MD)No.29427 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.29427 of 2023

and

WMP(MD)Nos.25383, 25385 of 2023

Kannan

.. Petitioner

v.

1.The District Collector,
Tenkasi,
Tenkasi District.

2.The Forest Range Officer,
Sankarankovil Forest Range,
At Puliangudi,
Tenkasi District.

3.The Tahsildar,
Sivagiri Taluk,
Tenkasi District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
seeking issuance of a Writ of Certiorari calling for the records relating to



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the impugned order in Na.Ka.No.147/2023 dated 28.07.2023 passed by the second respondent and quash the same.

For Petitioner : Mr.M.Rahul Kumar

For Respondents : Mr.M.Ramesh,
Government Advocate

ORDER

The petitioner is running a brick-kiln. The second respondent has issued a notice to remove the brick-kiln that it falls within 1 km from the reserve forest. The petitioner claims that the brick-kiln is situated 1200 metre away from the forest area and he has also made a survey through the Taluk Surveyor. According to the survey report, his brick-kiln falls 1200 metre away from the forest area. Therefore, he has filed this writ petition.

2.Learned Government Advocate, on instructions, submitted that as per the GPS reading, the petitioner's brick-kiln is situated within 800 metres from the forest area.



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3. Since the petitioner is having a report from the Taluk Surveyor that his brick-kiln is situated 1200 metre away from the forest area, this Court is passing the following order:-

- the impugned order dated 28.07.2023 is set aside;
- the second respondent / Forest Department is permitted to conduct a survey in the presence of the petitioner within a period of four weeks from the date of receipt of a copy of this order;
- the respondents 1 & 3, through the Survey Department, shall ensure that necessary co-operation is extended for conducting the survey; and
- based on the survey report, the second respondent shall take necessary further course of action.

In fine, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes
gk

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B.PUGALENDHI, J.

gk

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