



WEB COPY



W.P.No.15423 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.15423 of 2024
and WMP.Nos.16774 of 2024

K. Sakthi Ganesh

... Petitioner

Vs

1. The Principal Chief Conservator of Forests,
(Head of Department)
Forest Headquarters Building,
Near Kannikapuram Check Post,
Guindy - Velacherry Main Road,
Guindy, Chennai 600 032.
2. The Conservator of Forests and Field Director
Annamalai Tiger Reserve,
Coimbatore.
3. The Secretary to Government,
Department of Environment, Climate Change
and Forests, Government of Tamil Nadu

... Respondents

R3 suo motu impleaded by this Court vide order dated 13.06.2024



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorari to call for the records relating to the impugned proceedings issued by the 1st respondent in Se.Mu.Order No.T2/10360/2021 dated 06.05.2024 and to quash the same.

For Petitioner : Mr.G.Sankaran
Senior Counsel for
Mr.G.R.Ramesh Prabbhu

For Respondents : Mr.M.S.Prem Kumar
Government Advocate

ORDER

This Writ Petition is filed for issuance of a Writ of Certiorari to call for the records relating to the impugned proceedings issued by the 1st respondent in Se.Mu.Order No.T2/10360/2021 dated 06.05.2024 and to quash the same.

2. Mr.G.Sankaran, learned Senior Counsel appearing for the petitioner submitted that the petitioner is constrained to approach this Court directly because there is gross violation of principles of nature justice.



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When this Court had directed to furnish all documents, even thereafter all the documents were not furnished and it has been specifically stated that the documents have been handed over to different authorities and enquiry has been proceeded with. He would further submit for the date of enquiry even the summon was served on the same date preventing the petitioner from participating in the enquiry. He further submitted that the respondents have violated the principles of natural justice, the petitioner need not be relegated to the alternative remedy and this Court shall entertain this writ petition.

3. Considering the said submissions made by the learned Senior Counsel for the petitioner that without reference to the particular violations which are alleged by the learned Senior Counsel, it can be seen that charge memorandum has been issued after enquiry, the punishment has been imposed. In view of the fact that there is an effective remedy of filing an appeal which would lie as against the order of punishment before the Secretary to Government, Department of Environment, Climate Change and Forests, Government of Tamil Nadu / 3rd respondent, the aforesaid



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violation which are alleged on behalf of the petitioner can also be very well canvassed before the Appellate Authority in the appeal to be filed. Considering the nature of the relief which is being granted, since the said authority is a proper party to the present writ petition, the Secretary to Government, Department of Environment, Climate Change and Forests, Government of Tamil Nadu is suo motu impleaded by this Court as 3rd respondent in this writ petition.

4. In view thereof, I am of the view that the nature of the case is not such an exceptional so as to entertain the writ petition at this stage. Accordingly this writ petition is disposed of at this stage on the following terms:-

(i) The petitioner has got an effective alternative remedy by way of filing an appeal before the Secretary to Government, Department of Environment, Climate Change and Forests, Government of Tamil Nadu as against the impugned order dated 06.05.2024 and accordingly the petitioner shall prefer an appeal within one week from the date of receipt of a copy of



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this order;

(ii) If an appeal is filed within such time, the third respondent shall consider the same and pass appropriate orders thereon, on its own merits and in accordance with law within a period of 8 weeks from the date of filing of the appeal. No costs. Connected miscellaneous petition is also closed.

13.06.2024

Neutral Citation : yes/no
dpq

Registry is directed to carry out the necessary amendment in the cause title.



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D. BHARATHA CHAKRAVARTHY, J.

dpq

To

1. The Principal Secretary to Government
Home Department,
Fort St.George, Secretariat,
Chennai 600 009.
2. The Director General of Police
Tamil Nadu, No.1, Dr.R.K.Salai,
Mylapore, Chennai 600 004.
3. The Estate Officer,
i/c of Estate Welfare & Community Policing,
Greater Chennai City Police,
Chennai 600 007.

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