



WEB COPY



W.P.No.26183 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.26183 of 2019

V.Saraswathy

... Petitioner

-Vs-

1. The Principal Chief Conservator of Forest,
Panagal Maaligai, Saidapet,
Chennai-600 015.

2. The District Collector,
Udagamandalam, Nilgiri District.

3. The Chief Conservator of Forest,
Coimbatore Division,
R.S.Puram, Coimbatore-641 002.

4. The District Forest Officer,
Nilgiri South Region,
Udagamandalam, Nilgiri District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, call for the record of the Impugned order of fourth respondent in Na.Ka.No.6401/2016/O, dated 15.07.2019 and quash the same, consequently direct the 1st respondent to pay the compensation with 12 percent interest as per the G.O.Ms.No.141, Environment and Forest Department, dated 25.11.2016, for damages, loss caused by wild animals.



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For Petitioner : No appearance
For Respondents : Dr.T.Seenivasan
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent, thereby rejected the request made by the petitioner seeking compensation for the demise of her husband due to Elephant attack.

2. There is no representation on behalf of the petitioner. Heard the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

3. The petitioner's husband was a farmer. They are residing in T.R.Bazaar in Naduvattam Panchayat Union, Nilgiri District. The petitioner's husband was trampled to death by wild Elephants at his house in midnight. The petitioner also sustained injury. Immediately, the petitioner's husband was taken to Government Hospital and he was given first aid and thereafter, he was taken to Udhagamandalam Government Hospital for further treatment and it was confirmed that he died. As per G.O.Ms.No.141, Environment and Forest Department, dated 25.11.2016, the Government of Tamil Nadu enhanced the relief of compensation for the loss caused by the wild animals to the tune of



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Rs.4,00,000/-. Therefore, the petitioner submitted a representation seeking compensation as per the Government Order. However, it was rejected by an order dated 15.07.2019.

4. A perusal of the counter filed by the fourth respondent and on the submissions made by the learned Special Government Pleader appearing for the respondents revealed that the petitioner's husband died on 21.11.2010. The land in which the petitioner and her husband were residing viz., Naduvattam Extension 35, Survey No.154, area of 16.775 hectares was already declared under Section 4 of Tamil Nadu Forest Act, 1882, as per the District Gazette Notification No.48 dated 10.02.1995. During the process of declaration of reserved forests, the Forest Settlement Officer, Coonoor had received the claims of the petitioner's husband that he had encroached to the extent of one acre in the reserved forest land by way of vegetable cultivation and also constructed a pucca house.

5. That apart, he was a temporary employee in the adjacent Mahavir Plantations. He encroached the forest land which was already declared as reserved one and he was residing there. In fact, his request for conversion of the land which was encroached by him was also rejected by an order dated



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02.04.2001 in R.C.No.207 of 1995. Therefore, the petitioner's husband is not entitled for any damages as per G.O.Ms.No.141, Environment and Forest Department, dated 25.11.2016. Therefore, this Court finds no infirmity or illegality in the order passed by the fourth respondent and the writ petition is devoid of merits and is liable to be dismissed.

6. Accordingly, this writ petition is dismissed. No costs.

29.10.2024

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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To

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