



WP(MD). No.3697 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 27/02/2024

CORAM

**THE HON'BLE MR.SANJAY V.GANGAPURWALA,
CHIEF JUSTICE**

and

THE HON'BLE MR.JUSTICE G.ILANGO VAN

**WP(MD). No.3697 of 2020
and WMP(MD) No.3111 of 2020**

V.Jegan,

... Petitioner

v.

**1. The Principal Secretary,
Govt. of India,
334-C Shastri Bhavan,
New Delhi..**

**2. The District Collector,
Kanyakumari District.**

**3. The District Forest Officer,
Office of District Forest Officer,
Kanyakumari Zone, Nagercoil,
Kanyakumari District.**

**4. The Executive Officer,
Kottaram Town Panchayat, Town Panchayat
Office, Kottaram, Agastheeswaram Tk.,
Kanyakumari District.**



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5. Health For One Million,
Public and Charitable Trust, Rep. by K.
Vincent Marpaulos, 9/41 Kuzhithurai,
Kuzhithurai Post, Vilavancode Tk.,
Kanyakumari District.

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents 1 to 3 to demolish the construction made in S.No.40/1 and 40/2 at Mantharam pudur Village, kottaram Town Panchayat within the time stipulated by this Court.

For Petitioner : M/s.R.Murali for
Mr.K.Govindarajan

For Respondents :Mr.S.Jeyasingh for R1
Mr.P.Thilak Kumar for R2 & R3
Government Pleader
Mr.Isaac Mohanlal for R5
Senior Counsel
Mr.M.Karuppasamy for R4

ORDER

**[Order of the Court was made by
The Hon'ble The CHIEF JUSTICE]**

Heard the learned counsel for the petitioner, learned counsel for the respondent No.1, learned Government Pleader for the respondents 2 and 3, learned counsel for the respondent No.4 and the learned Senior



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counsel for the respondent No.5.

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2.The learned counsel for the petitioner submits that the respondent No.5 is carrying out a construction in a reserved forest. The learned counsel submits that earlier writ petition was filed in respect of the adjacent property. The said writ petition was closed on the statement of the Government that the said land does not come under reserved forest nor it is declared as a reserved forest. According to the learned counsel, there is nothing like a reserved land, either the forest has to be a reserved forest or otherwise.

3. The affidavit of the respondent No.3 suggests that the building in question is located about 49 mtrs. away from the boundary of the forest land and the same is ascertained by the field inspection of Forest Range Officer, Boothapandy. The reserve land in Sl.No.742/1 falls in Kulasekarapuram village of Agastheeswara Taluk and the said village is identified as a hill village under G.O.No.49 Housing and Urban Development Department dated 24.03.2003.



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4. The learned Senior Advocate for the respondent No.5 submits that the village is not included as a hill village in the Government order.

5. In case, the area is declared as a reserved forest, then, steps can be taken by the Government authorities regarding declaration of an Eco Sensitive Zone or otherwise. However, in the present case, there is nothing to conclude that the subject area is a reserved forest or a hill area.

6. In light of that, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

[S.V.G., CJ.]

[G.I., J.]

27.02.2024

NCC : Yes/No
Index : Yes/No

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RR

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