



WP(MD)No.4372 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**WP (MD) No.4372 of 2024 and
WMP (MD) NOS.4198, 4199 and 41200 of 2024**

Boominathan

... Petitioner

Vs

- 1.The District Collector,
Tenkasi District,
Tenkasi.
- 2.The Forest Range Officer,
Sivagiri Forest Range,
Sivagiri, Tenkasi District.
- 3.The Tahsildar,
Sivagiri Taluk,
Sivagiri.
- 4.The Revenue Inspector,
Sivagiri,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records of the impugned order of the 2nd respondent in Na.Ka.No.12 of 2024, dated 22.01.2024 and quash the same as illegal.



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For Petitioner : Mr.A.Balaji
For Respondent : Mr.R.Suresh Kumar
Additional Govt.Pleader

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 Eco Sensitive Zone. The petitioner claims that the brick kiln is not situated within 1km radius from the Eco Sensitive Zone. He has also filed an application for survey. Therefore, he has filed this writ petition.

2.The learned Additional Government Pleader appearing for the respondents, on instructions, submits that the petitioner's brick kiln is situated within 1 km from the Eco Sensitive Zone.

3.Since the petitioner claims that the petitioner's brick kiln is not situated within the



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stipulated distance and he has also made an application for surveying the same, this Court passes the following order:-

i.the impugned order dated 22.01.2024 is set aside;

ii.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;

iii.the respondents 1 & 3, through the Survey Department, shall ensure that necessary co-operation is extended for conducting the survey; and

iv. based on the survey report, the second respondent shall take necessary further course of action.

4.This writ petition is disposed of in the above terms. No costs. Consequently connected miscellaneous petition are closed.

19.03.2024

Internet : Yes / No

DSK

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- To
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B. PUGALENDHI , J .

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