



W.P.(MD).No.7176 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.7176 of 2021

A.V.Tharsius

... Petitioner

Vs.

1.The Principal Chief Conservator
Forest,
Forest Department,
Chennai.

2.The Conservator of Forest,
Tirunelveli Zone,
Tirunelveli.

3.The District Forest Officer,
Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to disburse the amount of Rs.17,56,947/- (Seventen Lakhs Fifty Six Thousand Nine Hundred and Forty Seven only) spend by the petitioner, as accounted against the 2nd year maintenance (viz) 2015-2016 to preserve plantation of



W.P.(MD).No.7176 of 2021

Government on the basis of representation dated 05.01.2021, within a time frame as fixed by this Court.

For Petitioner : Mr.K.P.Narayanakumar,
For Mr.A.Balakrishnan

For Respondents : Mr.D.Gandhiraj,
Special Government Pleader

ORDER

This writ petition has been filed seeking direction to the respondents 1 to 3 to disburse the amount of Rs.17,56,947/- (Seventen Lakhs Fifty Six Thousand Nine Hundred and Forty Seven only) spent by the petitioner, as accounted against the 2nd year maintenance (viz) 2015-2016 to preserve plantation of Government on the basis of the representation dated 05.01.2021.

2. The brief facts which are necessary for the disposal of this Writ Petition are as follows:-

The petitioner was holding the post of Forest Range Officer in Courtralam Range and he was also entrusted with an additional charge of Range Officer for Tirunelveli Range as per the order of the 3rd respondent dated 20.02.2014. As per G.O.Ms.No.432, Environment and Forest (FR 6)



W.P.(MD).No.7176 of 2021

Department dated 11.12.2012, an amount of Rs.25.85 Lakhs was sanctioned by the Government to plant teak saplings in 275 hectares of land in Courtralam Range, Tirunelveli Range and Kadayanallur Range by calculating Rs.9,400/- per hectare. Accordingly, 165 hectares of land was identified in Tirunelveli Range and 55 hectares of land was identified in Courtralam Range and respective amount was also disbursed by the Government. 11,000 saplings came to be planted in Courtralam Range in terms of the allotment order 22/13-14 in an extent of 55 hectares and 33,000 saplings came to be planted in Tirunelveli Range covering 165 hectares. For the maintenance of trees for the first year, that is, during the year 2014-2015, an amount of Rs.11,600/- was disbursed by the Government. Following which, a report was also submitted by the Forest Range Officer regarding the live percentage of trees by confirming the same after the spot visits. Unfortunately, the Government failed to sanction the maintenance for the 2nd year, that is, during the year 2015-2016. Under such circumstances as to protect the planted teak saplings, the petitioner being the Forest Range Officer of Tirunelveli and Courtralam Range was left with no other option rather than taking an action, on the oral instructions of the then District Officer, for maintaining the already planted teak saplings during the



W.P.(MD).No.7176 of 2021

previous year. The work done regarding the 2nd year of maintenance was duly recorded, the vouchers and receipts were submitted to the 3rd respondent and the 3rd respondent, vide letter dated 07.06.2018 requested the respondents 1 and 2 to disburse an amount of Rs.24.50 lakhs against the 2nd year maintenance of teak saplings. While so, the petitioner had retired from service on 30.06.2018. Hence, he made a representation on 05.01.2021 to the respondents 1 to 3 seeking to disburse an amount of Rs.17,56,947/- (Seventen Lakhs Fifty Six Thousand Nine Hundred and Forty Seven only) which was spent by the petitioner for the 2nd year maintenance of the teak saplings / teak trees as discussed supra. Since the same was not considered, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner had placed before me the recommendation letters sent by the District Forest Officer to the Range Officer, Tirunelveli, dated 02.02.2016, 09.08.2019, 20.08.2019 and during September 2019 in this regard after duly inspecting the spots where the teak plantation was maintained and requested for sanctioning of the amount. He further relied upon the report of the District Collector of Tirunelveli District,



W.P.(MD).No.7176 of 2021

dated 15.03.2017, it was forwarded to the Government for further action.

Despite all those communications acknowledging the petitioner's contribution in maintaining the teak plantation during the 2nd year, that is, 2015-2016, in view of those communications made by the District Forest Officer, Tirunelveli, Range Forest Officer, Courtralam and the District Collector, an amount of Rs.14.18 Lakhs came to be sanctioned by the Chief Conservator of Forests, Tirunelveli, in his proceedings in C.No.P/5663/2012 dated Nil.01.2020 as signed on 09.01.2020. Despite sanctioning the said amount, the amount expended by the petitioner has not been disbursed. In view of the same, the petitioner is entitled for receipt of the same and hence, pressed for allowing the writ petition.

4. The 3rd respondent has filed a counter affidavit and the learned Special Government Pleader Mr.D.Gandhiraj submitted that, the duty of the Forest Range Officer is to maintain Plantation Journals for each and every plantation depicting all the activities carried out from nursery stage to each and every activities done in the plantations which includes the maintenance works, observations of the higher officials during field inspection of the plantations



W.P.(MD).No.7176 of 2021

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and this journal should be maintained in the Range Office invariably. As far as the instant case is concerned, on perusal of the respective plantation journals of the plantations in question, the writ petitioner have made entries in the plantation journals and the observation of the District Forest Officer and Wildlife Warden, Tirunelveli, only up to 08.03.2015 in Kookirakulam Bit I and II. However, thereafter, no entries are found in the aforesaid journals during the 2nd year maintenance period. In the absence of such entries, it is not possible for the official concerned to settle the amount and it has to be presumed that maintenance had never been carried out and on that basis pressed for dismissal of the writ petition.

5. Heard the learned counsels on either sides. Carefully perused the materials available on record.

6. However, this Court is of the considered view that, the said amount of Rs.14.18 Lakhs came to be sanctioned by the Chief Conservator of Forest only on the basis of the report of the District Forest Officer, Tirunelveli, to the 1st respondent and on the basis of the report of the District Collector to the



W.P.(MD).No.7176 of 2021

WEB COPY

Government. In view of the same, this Court hereby direct the respondents to consider the petitioner's representation dated 05.01.2021 in the light of the letter bearing C.No.P/5663/2012 dated Nil.01.2020 as signed on 09.01.2020 written by the District Forest Officer to the Chief Conservator of Tirunelveli and the report of the District Collector bearing Na.Ka.No.K2/698/2017 dated 15.03.2017 and pass appropriate orders in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

19.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



W.P.(MD).No.7176 of 2021

To
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W.P.(MD).No.7176 of 2021

L.VICTORIA GOWRI, J.

Sml

W.P.(MD).No.7176 of 2021

19.07.2024