



W.P.(MD) No.15769 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.15769 of 2024
and
W.M.P.(MD) Nos.13738 & 13739 of 2024

Seenipandian.

... Petitioner

Vs.

The Forest Range Officer,
Srivaikundam Range,
Muruganpuram,
Thoothukudi.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the respondent vide proceedings in C.No.276/2024 dated 09.07.2024 and quash the same as illegal and consequently direct the respondent not to disturb the petitioner and his family members in utilizing the land in Survey No.704 situated in Manakarai Village Panchayat, Srivaikundam Taluk, Thoothukudi.

For petitioner : Mr.R.Karunanidhi

For respondent : Mr.S.P.Maharajan
Special Government Pleader



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ORDER

Heard learned counsel for the petitioner and learned Special Government Pleader for the respondent.

2. In the present Writ Petition, the petitioner has challenged merely the summons issued under Section 68 of the Tamil Nadu Forest Act, 1882 read with Sections 175 and 187 of IPC.

3. Neither Section 68 of the Tamil Nadu Forest Act, 1882 is applicable nor Sections 175 and 187 of IPC are applicable as *prima facie* the IPC stands repealed with effect from 01.07.2024.

4. Be that as it may, it appears that the respondent has proposed to take action against the petitioner under Section 68A of the Tamil Nadu Forest Act, 1882, which reads as under:

64-A.Liability of person unauthorisedly occupying any land in reserved forest, etc., to summary eviction:

Any person auauthorisedly occupying any land in reserved forest or any land at the disposal of Government may be summarily evicted by an officer of Forest Department not below the rank of Forest Ranger or an



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Officer of the Revenue Department not below the rank of Tahsildar, having jurisdiction over the areas in which such land is situated, in such manner as may be prescribed and any crop or other product raised on the such land, shall be liable to forfeiture and any building or other construction erected or anything depo-sited thereon shall also be liable to forfeiture. Forfeiture under this section, shall be adjudged by the officer referred to above and any property so forfeited, shall be disposed of in such manner as may be prescribed:

Provided that no eviction or adjudication under this section adversely affecting a person shall be made or adjudged, unless-

(a) such person has been given a notice in such manner as may be prescribed; and

(b) the representation, if any, received in pursuance of such notice has been duly considered by such officer concerned.”

5. A reading of the above provision indicates that the petitioner cannot be dispossessed except in accordance with law.

6. Considering the same, I find no merits in the present Writ Petition. The petitioner has to appear before the respondent and give statement and thereafter, it is for the respondent to issue appropriate notice under Section 68A of the Tamil Nadu Forest Act, 1882 read with relevant provisions of the newly enacted penal law.



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7. It is made clear that the petitioner shall not be evicted except in accordance with law.

This Writ Petition is disposed of with above directions. No costs.
Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes / No
apd

15.07.2024

To
The Forest Range Officer,
Srivaikundam Range,
Muruganpuram,
Thoothukudi.



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C.SARAVANAN, J.

apd

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