



WEB COPY

W.P.(MD)No.24656 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.24656 of 2024
and
W.M.P.(MD)No.20976 of 2024**

Surilivel

... Petitioner

-VS-

1.State of Tamilnadu
By the Secretary to Government,
Forest Department,
Chennai-600 009.

2.The Forest Range Officer,
Theni Forest Range Office,
Theni District.

3.The District Forest Officer,
Theni Forest Range Office,
Theni District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the proceedings of the 2nd respondent in proceedings in Na.Ka.No.20/2024 dated 23.09.2024 issued under Tamilnadu Forest Act 1992 and quash the same and consequently direct the respondents not to dispossess the petitioner from the land in Survey No.1511/1 measuring 3 acres situated at Veerapandi Village, Theni District.

For Petitioner : Mr.C.Susi Kumar

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader

<https://www.mhc.tn.gov.in/judis>



ORDER

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[Order of the Court was made by R.SUBRAMANIAN, J.]

The prayer in the writ petition reads as follows:

“To issue a Writ of Certiorarified Mandamus, to call for the proceedings of the 2nd respondent in proceedings in Na.Ka.No.20/2024 dated 23.09.2024 issued under Tamilnadu Forest Act 1992 and quash the same and consequently direct the respondents not to dispossess the petitioner from the land in Survey No.1511/1 measuring 3 acres situated at Veerapandi Village, Theni District.”

2. The order under challenge is one passed under Section 68-A of the Tamil Nadu Forest Act, 1882, directing removal of encroachment made by the petitioner. The land which was originally classified as grazing ground Poramboke was transferred to the Forest Department, in lieu of land of an extent of 8.59 hectares forming part of the Valkaradu reserve forest used for laying a bye-pass road. Once the land vests with the Forest Department, the Forest Department is entitled to take action for removal of encroachment. It is seen from the order impugned that the only objection of the petitioner was that the land is classified as grazing ground poramboke and therefore the forest officer does not have right to take proceedings for eviction. The notification, vesting these lands with the forest department has been published as early as in the year 2012 and hence the land vests in the forest department.

3. Therefore, we see no merit in the writ petition. Once the land is classified as forest, it is open to the officials of the forest department to take action under



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Section 68-A. The writ petition therefore fails and it is accordingly dismissed. The petitioner is granted a months time to remove the encroachment. If the petitioner does not remove the encroachment by 18.11.2024, the Department will take action to remove the encroachment by itself. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]
18.10.2024

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

To

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and
L.VICTORIA GOWRI, J.

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