



W.P.No.19239 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 11.08.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.19239 of 2021

and

W.M.P.No.20550 of 2021

1. Mani
S/o.Ponnan
2. Vasu
S/o.Chandiran
3. D.Veeramani
S/o.Devaraj
4. Raji
S/o.Lingaiya
5. Jaya
W/o.Madhavan
6. Senthamarai
S/o.Kannan

... Petitioners

VS.

1. The District Collector
Collectorate Office
Near Charring Cross

Page Nos.1/16



W.P.No.19239 of 2021

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Udhagamandalam
Nilgiris District
Tamil Nadu - 643 001.

2. The Forest Ranger
Bikkara Range
Bikkara, Udhagai Taluk
Nilgiris District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus, calling for the records of proceedings of the 2nd respondent dated 14.07.2021 bearing Na.Ka.47/2021, quash the same and consequently restore all amenities to the petitioners' residence comprised in Survey No.594 situate at Naduvattam Village, Udhagai Taluk, Nilgiris District.

For Petitioners : Mr.T.S.Vigneshwaran
representing Mr.M.Raja
For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for R1
Dr.T.Seenivasan, for R2

ORDER

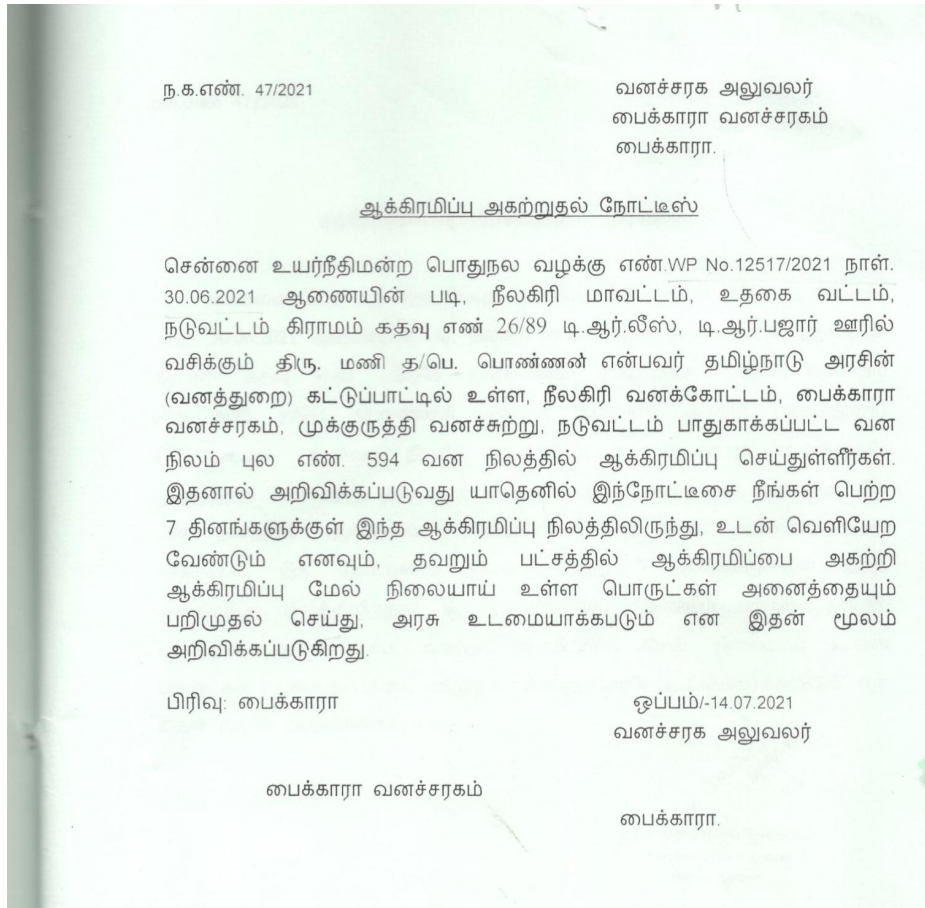
[Order of the Court was made by M. SUNDAR, J.]

Captioned main 'Writ Petition' {hereinafter 'WP' for the sake of brevity, convenience and clarity} has been filed with a prayer seeking issue



W.P.No.19239 of 2021

of a writ of certiorarified mandamus. In and vide certiorari limb, a 'notice dated 14.07.2021 bearing reference Na.Ka.47/2021 made by R2 [the Forest Ranger, Bikkara Range, Bikkara, Udhaigai Taluk, Nilgiris District]' {hereinafter 'impugned notice' for the sake of brevity, convenience and clarity} has been assailed and a scanned reproduction of the impugned notice is as follows:

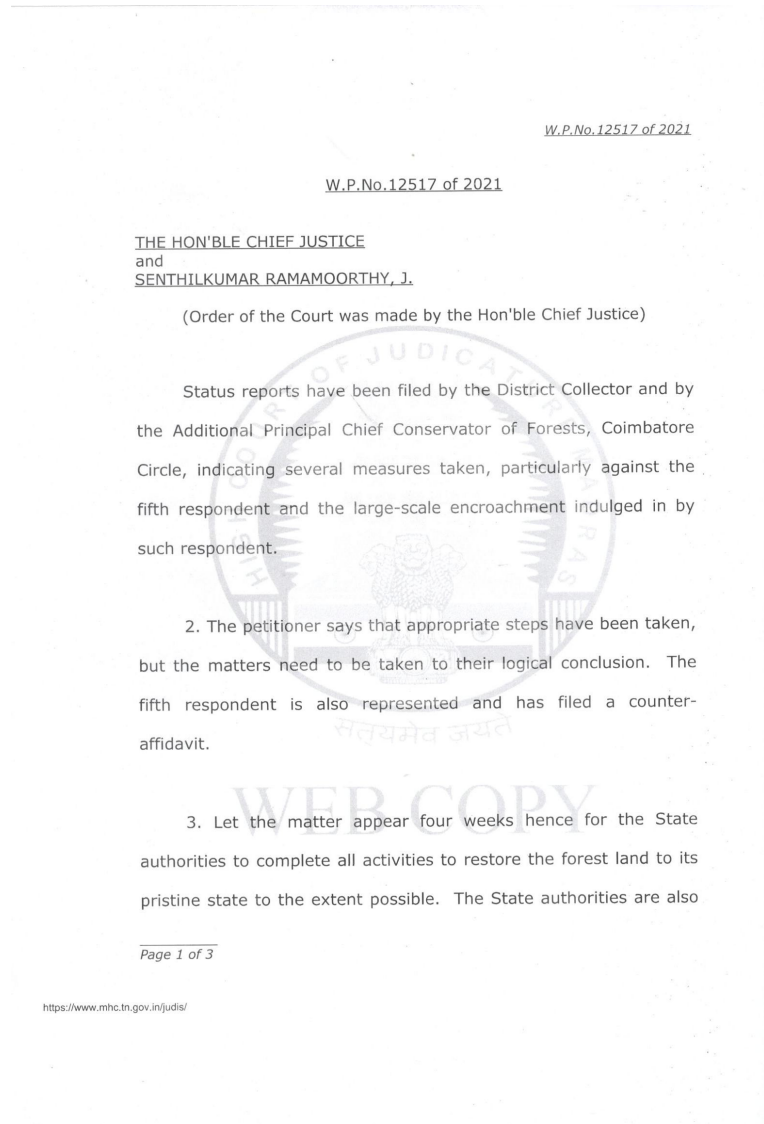




W.P.No.19239 of 2021

2. As is evident, the impugned notice refers to order dated 30.06.2021 made in W.P.No.12517 of 2021. This writ petition has ultimately been disposed of by another Hon'ble Division Bench on 21.09.2021. Copies of these orders made by another Hon'ble Division Bench are as follows:

Order dated 30.06.2021:





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W.P.No.19239 of 2021

W.P.No.12517 of 2021

encouraged to undertake drives around the edges of the forest areas to ensure that there is no creeping encroachment which is generally indulged in.

4. The fifth respondent claims that the writ petitioner is a name-lender for Mahaveer Plantations which is known for indulging in large scale encroachment in forest areas. The State authorities are put on notice that every encroacher should be proceeded against and dealt with in accordance with law.

List on July 28, 2021.

bbr/sasi

(S.B., C.J.) (S.K.R.,J.)
30.06.2021

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Page 2 of 3

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



W.P.No.19239 of 2021

Order dated 21.09.2021:

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W.P.No.12517 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.12517 of 2021

S.Prabakaran ... Petitioner

Vs

1 The District Collector
Nilgiris District
Udhagamandalam 643 001

2 The District Forest Officer
Udhagamandalam Division
Udhagamandalam 643 001

3 The Sub Collector
Sub Collector's office
Udhagamandalam 643 001

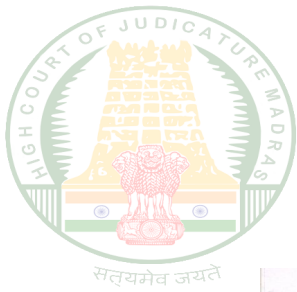
4 The Executive Officer
Naduvattam Town Panchayat
No. 16/129, Naduvattam Post Nilgiris 643 224

5 Dr. Kavitha Shenbagam

6 The Superintending Engineer
TANGEDCO
O/o. Superintending Engineer
Complex Bbuilding
Coonoor Road Ooty 6 ... Respondents

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

Page 1 of 8



W.P.No.19239 of 2021

WEB COPY

W.P.No.12517 of 2021

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 4 to take action against the 5th respondent for encroaching reserve forest land situated in S.No.594 Naduvattam Village of Nilgiris District and consequently remove all the illegal constructions and developments made by the 5th respondent in the reserve forest and also in her patta lands.

For the Petitioner : Mr.C.Vigneswaran

For the Respondents : Mr.R.Shunmugasundaram,
Advocate-General,
Assisted by
Mr.Mohammed Sathik,
Government Advocate,
for respondents 1 to 3

Mr.V.Prakash,
Senior Counsel,
for Mr.P.V.Ravichandran,
for the fifth respondent

Mr.M.Abdul Kalam,
for the sixth respondent

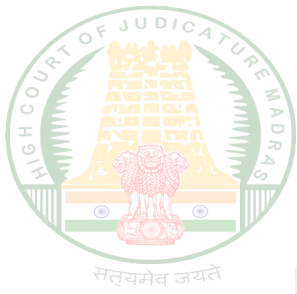
ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The matter pertains to encroachment in a forest land. The allegation in the petition is that the fifth respondent had encroached into reserve forest land at S.No.594, Naduvattam Village in the Nilgiris. The fifth respondent is represented and it is submitted by the fifth respondent that she is a micro-biologist, who grows medicinal plants for distributing the same among poor peasants and local inhabitants.

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

Page 2 of 8



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W.P.No.19239 of 2021

W.P.No.12517 of 2021

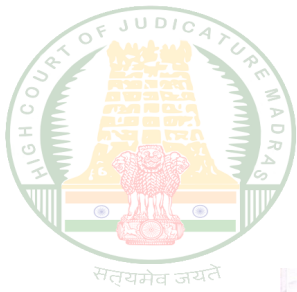
The fifth respondent insists that she has appropriate title and permission to occupy the land that is in her possession.

2. In the earlier orders on this petition, even as the court required the official respondents to look into the specific allegation of the petitioner in this case, the court also required the State to monitor all forest lands to ensure that every bit of encroachment was removed from whatever little forest was left in this State. It is necessary that these forest lands be preserved, if only for the benefit of the human progeny.

3. A status report has been filed by the State through the Principal Chief Conservator of Forests. According to such official, the land in question at S.No.594 consists of 16.775 hectare. The land was notified under Section 4 of the Tamil Nadu Forest Act, 1882, but no final notification under Section 16 of the said Act has yet been issued. Thus, according to the official, the land is a reserved land but, technically, not a reserved forest. The relevant forest land, according to paragraph 5 of the report, is surrounded by land at S.Nos.588, 589, 591 to 593, 595 596, 597 and 599 of Naduvattam Village and the fifth respondent is the owner of the patta land in S.No.589 while Mahaveer Plantation is the owner of the patta land in S.No.596.

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

Page 3 of 8



W.P.No.19239 of 2021

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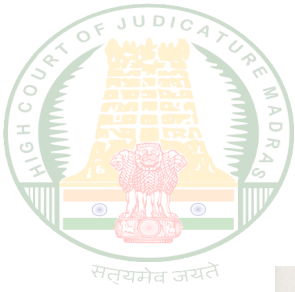
W.P.No.12517 of 2021

4. The report indicates that except for the land held by the patta-holders, there is no encroachment in the remaining reserved land and the petitioner is satisfied that appropriate measures have been taken. Thus, there may not be any need for further concern for the fifth respondent whose right as patta-holder in respect of a parcel of land has been recognised in the said report.

5. The rest of the status report deals with the directions issued by this court on July 28, 2021 urging the State to take every measure possible to stop any further encroachment particularly in the bio-diverse atmosphere of the Nigiris which is ecologically vulnerable. The status report reveals that the District Level Steering Committee headed by the District Collector in the Nilgiris is reviewing the status of encroachment in forest land on a monthly basis. The official reports that as of June 30, 2021, the encroachment in forest land on a pan State level was to the extent of 16250.55 hectare, including in the Nigiris District. The report further reveals that eviction drives have been commenced to remove encroachment from the forest or reserved land, but the encroachers have instituted legal proceedings in some cases.

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

Page 4 of 8



W.P.No.19239 of 2021

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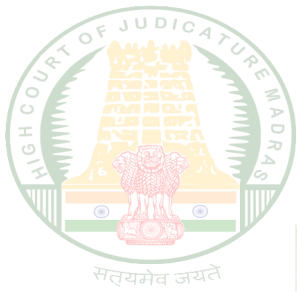
W.P.No.12517 of 2021

6. According to the Principal Chief Conservator of Forests, all District Forest Officers, Wildlife Wardens and Deputy Directors have been instructed by a letter dated July 30, 2021 that the encroachments in the forest land and reserved land should be removed as expeditiously as possible by giving 15 days' notice under Section 68A of the Act of 1882. An action plan has been prepared and the Principal Chief Conservator of Forests indicates that much of the forest land which has been encroached upon would be recovered as expeditiously as possible.

7. In view of the stand taken by the State through the said Principal Chief Conservator of Forests, no further action is necessary on the present petition, particularly since the petitioner's grievance appears to have been redressed. Nothing in this order will be perceived to be a pronouncement against the fifth respondent herein. The State should continue to make its best endeavour to recover as much of forest land and reserved land as possible and it is completely unacceptable that even after the series of orders by the Supreme Court in the continuing mandamus case of *T.N.Godavarman Thirumulpad*, there is more than 16250.55 hectare of forest land which has been encroached.

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

Page 5 of 8



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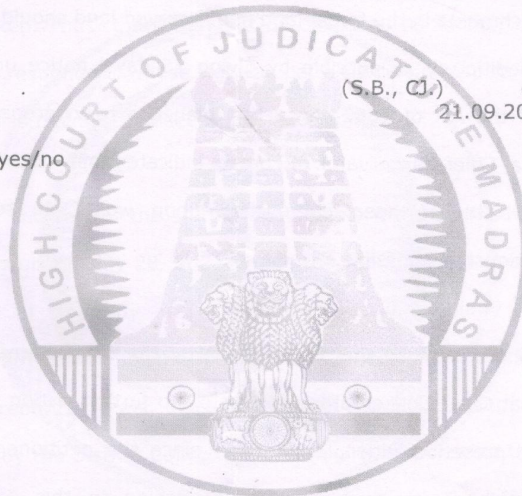
W.P.No.19239 of 2021

W.P.No.12517 of 2021

8. W.P.No.12517 of 2021 is disposed of. There will be no order as to costs. W.M.P.Nos.13293, 13295, 13296, 13297 and 16149 of 2021 are closed.

(S.B., C.J.) (P.D.A., J.)
21.09.2021

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

Page 6 of 8

Page Nos.11/16



W.P.No.19239 of 2021

3. Paragraph No.6 of order dated 21.09.2021 is significant. In the light of paragraph No.6, we deem it appropriate to extract and reproduce Section 68-A of 'the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882)' {hereinafter 'Forest Act' for the sake of brevity, convenience and clarity}, which reads as follows:

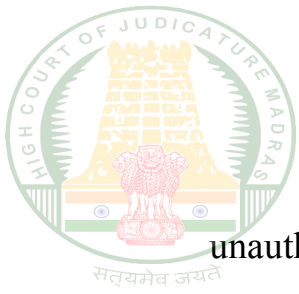
'68-A. Liability of person unauthorisedly occupying any land in reserved forest, etc. to summary eviction.-- Any person unauthorisedly occupying any land in reserved forest or any land at the disposal of Government may be summarily evicted by an officer of Forest Department not below the rank of Forest Ranger or an Officer of the Revenue Department not below the rank of Tahsildar, having jurisdiction over the area in which such land is situated, in such manner as may be prescribed and any crop or other product raised on such land, shall be liable to forfeiture and any building or other construction erected or anything deposited 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.'

4. Section 68-A of Forest Act makes it clear that any person allegedly

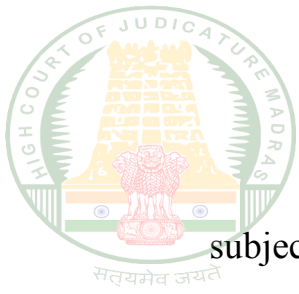


W.P.No.19239 of 2021

unauthorisedly occupying any land in reserved forest or any land at the disposal of the Government can be summarily evicted but no eviction or adjudication adversely affecting such a person shall be made or adjudged without such person being given a notice and the representation, if any from such person is duly considered by the officer concerned.

5. Therefore, as regards certiorari limb without acceding or negating the certiorari limb i.e., without sustaining the impugned notice on merits, we make it clear that the same shall be construed as a notice {'Show Cause Notice' - 'SCN'} within the meaning of proviso (a) of section 68-A of Forest Act. The writ petitioners can now send representation/s within 15 days from the date on which instant order is uploaded in the official website of this Court. If writ petitioners sent any representation, the same shall be considered vide proviso (b) of Section 68-A of the Forest Act. If writ petitioner/s does / do not send any representation within a fortnight from the date of uploading of the instant order as already alluded to supra, the impugned order will stand resuscitated and the same can be implemented.

6. Summary eviction / forfeiture, if any and if that be so, shall be



W.P.No.19239 of 2021

subject to provisos (a) and (b) of Section 68-A of the Forest Act as there is allusion supra.

7. The mandamus limb of the prayer is regarding restoration of amenities and in the light of the coercive action, if any, being subject to provisos (a) and (b) of Section 68-A of the Forest Act, restoration of amenities plea in the *interregnum* shall be considered on its own merits and in accordance with law.

Captioned WP is disposed of in the aforesaid manner. Consequently, captioned writ miscellaneous petition is disposed of as closed. There shall be no order as to costs.

(M.S.J.,)

(H.C.J.,)

11.08.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

mk



W.P.No.19239 of 2021

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To

1. The District Collector
Collectorate Office
Near Charring Cross
Udhagamandalam
Nilgiris District
Tamil Nadu - 643 001.
2. The Forest Ranger
Bikkara Range
Bikkara, Udhagai Taluk
Nilgiris District.



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W.P.No.19239 of 2021

**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

mk

W.P.No.19239 of 2021

**11.08.2025
(3/3)**

Page Nos.16/16