



4. District Forest Officer,
Theni Division, KRR Nagar,
Housing Board Colony,
Theni-626 531.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India seeking to issue a Writ of certiorarified mandamus calling for the records pertaining to the Impugned Order passed by the 1st Respondent in G.O.(D) No.42 dated 17.02.2025 and quash the same and direct the Respondents to permit the Petitioner to use modern machinery and equipment in the Petitioner's lands for clearing the thorns and bushes and to repair the already existing private roads in the said lands.

For Petitioner : Mr.Krishna Ravindran

For Respondents : Dr.T.Seenivasan, SGP

ORDER

The petitioner is the owner of the property situated at S.Nos.62/1, 62/2, 67, 68/1, 68/2, 69, 70 and 73 at Bodinayakkanur (North) Hilly Village, Bodinayakkanur Taluk, Theni District. He had purchased the property in 2011 with an intention to implement an Agro Forestry Project. The property, prior to the purchase, had been used for silk-cotton tree plantation. By the

2/9



time the petitioner came to possess the property, the plants had more or less died. Instead of the silk-cotton tree plants, invasive species (lantana camara) have started growing over the land. Hence, the petitioner approached the District Collector, who is the Chairman of the Committee appointed under Section 3 of the Tamil Nadu Hill Areas (Preservation of Trees) Act of 1955. The plea of the petitioner is that he wants to remove the invasive species and replace it with trees which would be useful to the society. This application was filed on 21.04.2017. Despite the lapse of three years, as the application was not considered, he moved a writ petition before the Permanent Bench of this Court at Madurai in W.P.(MD) No.8047 of 2020.

2. The District Collector passed an order on 05.02.2020, rejecting the proposal made by the petitioner. The rejection was made on the ground that, in case, the invasive species are removed, it might result in soil erosion and land slides affecting the areas which fall below the property belonging to the petitioner. Prior to passing of the order, the District Collector had received a report from the Tahsildar, as well as the District Forest Officer of Theni. The reports said to be stated that if the JCB and tractors are used, it will not cause any harm to the soil.



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3. Aggrieved by the said order, the petitioner preferred an appeal to the first respondent. The first respondent dismissed the appeal. Hence, the writ petition.

4. I heard Mr.Krishna Ravindran for the petitioner and Dr.T.Seenivasan, learned Special Government Pleader for the respondents.

5. I am of the view that the impugned orders are liable to be quashed for more than one reason. Insofar as the order passed by the first respondent is concerned, there is absolutely no reason accorded by the first respondent to reject the appeal. In fact, the petitioner had produced records from experts in the field of gradient analysis before the first respondent, as is clear, from his letter dated 27.02.2025. The impugned order does not make any reference to the same. It is oft repeated that reasons are the heartbeat of an order and without a reason, the order has to be considered as stillborn. While



I was cogitating to send the matter back to the first respondent, I was able to notice another infirmity in the order of the Committee itself. The Committee has relied upon the report of the Tahsildar and the District Forest Officer, as it ought to have in terms of Rule 8 of the Tamil Nadu Hill Areas (Preservation of Trees) Rules, 1957. However, the alleged inspection report of both the authorities had not been handed over to the petitioner.

6. When an order is relied upon by the authority to pass an adverse order against the petitioner, principles of natural justice demand that the petitioner be put on notice of the reports. This is because the petitioner could be in a position to make to bring to the notice of the Committee, any lacunae or deficiencies in the report filed by the authorities. To pass an order placing reliance upon a report and not furnishing the same to the petitioner is an utter violation of principles of natural justice. Since the first respondent has not recorded any reasons, and as the second respondent has not given the report to the petitioner, both the orders are required to be quashed. Accordingly, they are set aside.

7. The proceedings stand restored on to the file of the Committee constituted under Section 3 of the Tamil Nadu Hill Areas (Preservation of

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Trees) Act, 1955 for Theni District. The second respondent shall furnish a copy of the reports that he is relying upon to the petitioner by 12.12.2025.

The petitioner is permitted to submit his objections to both the reports and also bring to the notice of the Collector his expert evidence dated 06.01.2025, including any other evidence which go in his favour.

8. The Committee, on perusal of the entire records, shall pass orders afresh, strictly in conformity with Rule 8 of the Tamil Nadu Hill Areas (Preservation of Trees) Rules, 1957. At the time of passing of the order, the Committee shall take note of the fact that the land in question is not a forest under the control of the Forest Department. If they come to the conclusion that the petitioner is entitled for an order of cutting the trees, it is open to the Committee to impose such conditions as they desire to prevent any landslide or such other measures to protect the areas which fall below the petitioner's land.

9. On the above observations, the writ petition stands allowed. This Court had already granted an interim order dated 23.07.2025, permitting the petitioner to remove the weeds and bushes using electronic and mechanical



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equipments without employing heavy machineries, i.e. Earthmovers, JCB, tractors, etc., The said order will continue till the Committee takes a call on the application. Consequently, connected miscellaneous petitions are closed.

No costs.

27.11.2025

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

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To

1. State of Tamil Nadu,
Rep. by its Additional Chief Secretary to the Government,
Environment, Climate Change & Forest (FR12) Department,
Fort St. George, Chennai-600 009.

2. The District Collector/Chairman of the Committee,
District Collectorate,
Theni-625 531.

3. Principal Chief Conservator of Forests
(Head of Department)
Forest Headquarters Building,
Near Kannikapuram checkpoint,
Guindy-Velacherry Main Road,
Guindy, Chennai 600 032.

4. District Forest Officer,
Theni Division, KRR Nagar,
Housing Board Colony,
Theni-626 531.



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V.LAKSHMINARAYANAN J.

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**WP No. 22850 of 2025
&
WMP Nos.25665 & 48366 of 2025**

27.11.2025