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W.P.No.24653 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.24653 of 2024

and

WMP.No.26977 of 2024

Boopathi Raj

.. Petitioner

VS

1.District Collector,
District Collectorate Office,
Tirupur District.

2.The Tahsildar,
The Avinashi Taluk office,
Avinashi,
Tirupur District.

3.The Assistant Executive Engineer,
Tamil Nadu Power Generation and Distribution Corporation,
Avinashi, Tirupur District.

4.Vasanth Kumar

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
praying to issue a writ of Mandamus thereby direct the respondents
1 and 2 to take steps to remove the encroachment made by the 4th



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respondent in S.No.80 and 81 of Avinashi Village of Avinashi Taluk and to remove the super structure raised unauthorisedly by the 4th respondent.

For Petitioner : Mr.V.Ramamurthy

For Respondents : Mr.K.Karthik Jagannath
Government Advocate
for R1 & R2

Mr.R.Thamaraiselvan
for R4

No Appearance
for R3

ORDER

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

This petition has been filed by the petitioner seeking to espouse a public cause, in as much as the private respondent has encroached upon the land which is classified as reserved forest.

2. After notices were issued to the respondents, the State had filed its reply and it has been disclosed in the reply that the respondent authorities have already initiated enquiry with regard to the alleged encroachment and notices have been issued to the



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private respondent, which shall be brought to its logical conclusion as early as possible, after affording an opportunity of hearing.

Learned counsel for the private respondent also submitted that he has received notices and submitted his reply and he may be given liberty to take all remedies, as may be available to him, in case any adverse orders are passed.

3. In view of the steps that have already been taken by the official respondents, we are of the view that as far as the issue with regard to the alleged encroachment is concerned, this petition can be disposed of with a direction to the official respondents to conclude the enquiry as early as possible, say preferably within a period of three months.

4. At this stage, learned counsel for the petitioner submitted that this Court may also declare the entire area of the land comprised in Survey Nos. 80 and 81 of Avinashi Village and Taluk as reserved forest, because the respondent State authorities



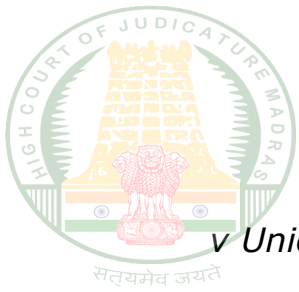
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have wrongly recorded as natham poramboke, whereas it is a reserved forest. To buttress the said submission, he has brought to the notice of this Court the relevant excerpts of resurvey and resettlement register of Avinashi Village of 1960.

5. On the other hand, learned State counsel submits that irrespective of the classification which was recorded earlier, in UDR survey, the land was found to be natham poramboke and, therefore, entry to that effect has been made later on in the UDR register in the 1986.

6. One thing is clear that, in the year 1960, the lands comprised in Survey Nos. 80 and 81 were recorded as reserved forest, however, in what manner it came to be later on recorded as natham poramboke in the year 1986 is a matter of enquiry.

7. It has to be noted that attempts made to convert and destroy forest lands led to issuance of slew of directions by the Hon'ble Supreme Court in the case of *T.N.Godavarman Thirumulpad*



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v Union of India and Ors¹.

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8. In view of the submissions and the material which is placed on record, wherein we find that initially the land was recorded as reserved forest, it would be appropriate to direct an enquiry in this regard to be made. For this purpose, a Joint Committee headed by the Revenue Divisional Officer, Tiruppur and District Forest Officer, Tiruppur, is constituted. It will be open for them to include more officers of their respective departments. This High Level Committee shall hold an enquiry and prepare a report and submit the same for consideration of the Secretary, Department of Conservation of Forest, as also the Secretary, Department of Revenue, Government of Tamil Nadu. Based on the said report, appropriate orders as may be necessary be passed in case any correction in the existing entries is warranted. This exercise should be completed within an outer limit of four months, particularly taking into consideration the various directions issued by the Supreme Court in the case of *T.N.Godavarman Thirumulpad* (supra).

¹ (1997) 2 SCC 267



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9. The authorities shall complete the enquiry as far as the allegation of encroachment is concerned within a period of three months and pass orders one way or the other. In case any adverse orders are passed, we leave it open to the private respondent to workout such remedy as may be available to him under the law.

10. Writ petition is disposed of accordingly. There shall be no order as to costs. Connected miscellaneous petition is closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
10.10.2025

Index : Yes/No
Neutral Citation : Yes/No
ssm

To

- 1.District Collector,
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