



W.P.No.6139 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 06.03.2025

CORAM

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

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.6139 of 2025

&

W.M.P.Nos.6750 and 6751 of 2025

in W.P.No.6139 of 2025

P.Selvakumar

... Petitioner

VS.

1. The Forest Range Officer,
Shervaroy Hills, Southern Range, Salem-7.

2. The District Forest Officer,
Salem -7.

3. Forest Conservator,
Salem.

4. District Collector,
Office of the District Collector,
Salem.

5. The Revenue Divisional Officer,
Mettur.

6. The Tahsildar,
Omalur Taluk, Salem District

... Respondents

Page Nos.1/8



W.P.No.6139 of 2025

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari calling for the records of the first respondent with regard to the impugned notice dated 06.11.2024 made in Na.Ka.No.405/2024 under Section 68-A of the Tamil Nadu Forest Act, 1882 and quash the same as illegal.

For Petitioner : Mr.T.S.Vijaya Raghavan

For Respondents : Mr.Haja Nazirudeen
Additional Advocate General
Assisted by
Dr.T.Seenivasan
Special Government Pleader &
Mr.P.Haribabu
Government Advocate for R1 to R3

Mr.Haja Nazirudeen
Additional Advocate General
Assisted by Mr.T.K.Saravanan
Addl. Govt. Pleader for R4 to R6

ORDER

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

Captioned main 'Writ Petition' ['WP' for the sake of brevity] has been filed with a prayer for issue of writ of certiorari qua a 'notice dated 06.11.2024 bearing reference ந.க.எண் : 405/2024 issued under Section 68-A of 'the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882)' [hereinafter 'impugned notice' for the sake of brevity].



W.P.No.6139 of 2025

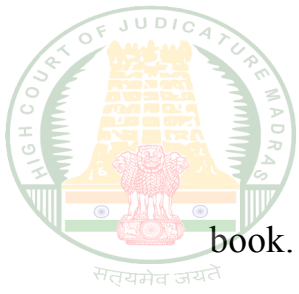
2. Mr.T.S.Vijaya Raghavan, learned counsel for writ petitioner

submitted that the land, which is subject matter of impugned notice, is in buffer zone, writ petitioner on receipt of impugned notice, has sent a detailed representation dated 19.11.2024 but the same has not been considered. Further submission of learned counsel is, without considering the writ petitioner's representation, writ petitioner has been put under pain of demolition / dispossession.

3. Issue notice.

4. Dr.T.S.Seenivasan, learned Special Government Pleader and Mr.P.Haribabu, learned Government Advocate accepts notice for R1 to R3 and Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R4 to R6.

5. Mr. Haja Nazirudeen, learned Senior Advocate and Additional Advocate General appeared and led all the State counsel. This Court in and vide a detailed order made today in W.P.No.5972 of 2025 etc., batch (13 writ petitions), namely W.P.No.5972, 5974, 5976, 5979, 6466, 6469, 6470, 6483, 6484, 7442, 7448, 7449 and 7451 of 2025 made it clear that Section 68-A of said Act has not lost its efficacy and it continues to be in the Statute



W.P.No.6139 of 2025

book. In the case on hand, there is no dispute or disagreement that writ petitioner's representation dated 19.11.2024 has been received by R5.

Section 68-A of said Act in its entirety 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.'

6. A careful perusal of the aforementioned provision makes it clear that when a person is visited with a notice under Section 68-A(a), if any



W.P.No.6139 of 2025

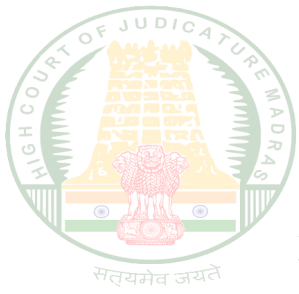
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representation is sent by noticee, the same has to be duly considered. To be noted, this is vide Section 68-A (a) and (b). Therefore, R1 has a statutory obligation to consider writ petitioner's representation dated 19.11.2024 on its own merits and in accordance with law in the light of clause (b) of Section 68-A of said Act.

7. Owing to the narrative, discussion and dispositive reasoning thus far, we make the following order:

i) We are not issuing a writ of certiorari and dislodging the impugned notice but by exercising our powers under Article 226 of the Constitution and by resorting to the residuary limb of the writ prayer, we write that the impugned notice shall now be construed as a 'show-cause notice' (SCN) within the meaning of sub-clause (a) of Section 68-A of said Act;

ii) R1 shall take up writ petitioner's response dated 19.11.2024 (in response to impugned notice dated 06.11.2024, which is now being treated as a SCN), consider the same on its own merits and in accordance with law vide Section 68-A(b) and take a decision as expeditiously as the business of R1 would



W.P.No.6139 of 2025

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permit but in any event within six weeks from today i.e., on or before 17.04.2025;

iii) The afore-referred decision shall be made in the form of an order by R1 and the same shall be served on the writ petitioner under due acknowledgement within 5 working days from the date on which the order is made;

iv) Though obvious, we make it clear that any coercive action qua said land will be subject to and depending on orders to be made by R1 in the aforesaid manner.

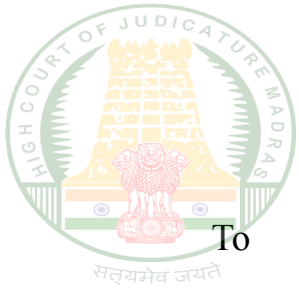
8.Captioned main WP stands disposed of in the aforesaid manner. Consequently, captioned WMPs thereat are disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)

06.03.2025

Index : Yes/No
Speaking / Non speaking Order
Neutral Citation : Yes/No
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Page Nos.6/8



W.P.No.6139 of 2025

To

WEB COPY

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W.P.No.6139 of 2025

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W.P.No.6139 of 2025

06.03.2025

Page Nos.8/8