



W.A. No. 1017 of 2019

S.M.SUBRAMANIAM, J.
AND
MOHAMMED SHAFFIQ, J.

This matter is listed today under the caption “for being mentioned”, at the instance of the learned counsel for the respondents.

2. When the matter is taken up today, it is brought to the notice of this Court that the subject sandalwood belongs to all the respondents. However, in the order dated 13.11.2025, it has been mentioned that the same belongs to 1st respondent. Hence, the said error requires correction.

3. Considering the submissions made, paragraph Nos.2, 4, 5 and 6 shall be substituted with the following paragraphs:-

“2. It is not in dispute between parties that subject sandalwood belongs to the respondents and they are the owners of the sandalwood. However, authorities have not permitted the respondents to remove sandalwood lying in depot. Since writ petition has been disposed of, present writ appeal came to be instituted.

4. Issues to be considered by the competent authority is whether the respondents are entitled for payment at the rate of 47.5% or 80%. Before 2008 and as per Old Rules, the respondents are entitled to get back 47.5% of sale amount. After New Rules of the year 2008 came into force, the respondents would be entitled to get back 80% of sale amount. Sale amount is to be determined based on various facts involved in the present case. Sale price is to be decided at the rate of apportionment.



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5. Learned counsel for the respondents would submit that an application in prescribed form was submitted by the respondents on 28.06.2011, which is yet to be disposed of. Apportionment of sale price between owner and department is to be determined with reference to facts and circumstances, and taking into consideration the date of sale etc. the respondents also are at liberty to place all the facts and their defense before the authority.

6. In view of above facts, District Forest Officer, Salem division is directed to consider the application submitted by the respondents dated 28.06.2011, by affording opportunity to the respondents to place all the facts and documents available with him and thereafter, take a decision and pass orders within a period of eight weeks from the date of receipt of a copy of this order.”

4. The Registry is directed to carry out the necessary corrections and issue a fresh order copy to the parties forthwith.

(S.M.SUBRAMANIAM, J.) (MOHAMMED SHAFFIQ, J.)
17-12-2025

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17-12-2025



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-11-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

WA No. 1017 of 2019

1. State Of Tamil Nadu
Rep By Its Secretary, Forest And
Fisheries Department, Fort St.George,
Ch-9.

2.The District Forest Officer
Salem Division, Salem -7.

3.The Forest Range Officer
Government Sandalwood Depot,
Yercaud Road, Hasthampatty,
Salem 7.

Appellant(s)

Vs

1. S.S.Mehta (died)

2.Pranav H.Mehta (died)

3.Subadra N.Mehta (died)

4.Nipun N.Mehta

5.Mala N.Mehta (died)

6.Pravina H.Mehta (died)
W/o. Haarshkant S Mehta, Resi At
No.12, Sri Ramaswamy Road, Opp
Ewarts School, Ch-07.



7.Neeta H.Mehta

[Rr1,2,3,5 And 6 Died, Vide Order Of
Court Dated 22/12/2022 Made In
Cmp.No.12444/2019 In
Wa.No.1017/2019]
[R7 Only LR Of The Deceased Rr2
And 6 Vide Order Of Court Dated
22/12/2022 Made In
Cmp.No.9917/2019 In
Wa.No.1017/2019]
[R4 LR Of The Deceased Rr3 And 5
Vide Order Of Court Dt 22/12/2022
Made In Cmp.No.9917/2019 In
Wa.No.1017/2019]

Respondent(s)

PRAYER

To set aside the order dated 25.04.2011 made in WP No.24110 of 2005 on the file of the Court and allow this present WA.

For Appellant(s): Mr.P.Anandakumar,
Government Advocate

For Respondent(s): 1)Mr.C.Vigneswaran, and
Ms.Ami Kataria and
Mr. P.Vasantha Kumar
for R1, R4 and R7
RR2,3,5,6 Died steps taken.

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

State preferred present intra-court appeal. 1st respondent filed a writ petition challenging the communication dated 08.07.2005 issued by Forest Range Officer and seeking for a direction to hand over the possession of the sandalwood, such as root tree, root trunk, branch etc., bearing Lot No.34/93-94 to the owners.



2. It is not in dispute between parties that subject sandalwood belongs to 1st respondent and he is the owner of the sandalwood. However, authorities have not permitted 1st respondent to remove sandalwood lying in depot. Since writ petition has been disposed of, present writ appeal came to be instituted.

3. Learned counsel for appellant would mainly contend that subject sandalwood was already sold by forest department officials on 31.07.2014 and the amount realized is lying in Government account.

4. Issues to be considered by the competent authority is whether the 1st respondent is entitled for payment at the rate of 47.5% or 80%. Before 2008 and as per Old Rules, 1st respondent is entitled to get back 47.5% of sale amount. After New Rules of the year 2008 came into force, 1st respondent would be entitled to get back 80% of sale amount. Sale amount is to be determined based on various facts involved in the present case. Sale price is to be decided at the rate of apportionment.

5. Learned counsel for 1st respondent would submit that an application in prescribed form was submitted by 1st respondent on 28.06.2011, which is yet to be disposed of. Apportionment of sale price between owner and department is to be determined with reference to facts and circumstances,



and taking into consideration the date of sale etc. 1st respondent also is at liberty to place all the facts and their defense before the authority.

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6. In view of above facts, District Forest Officer, Salem division is directed to consider the application submitted by 1st respondent dated 28.06.2011, by affording opportunity to 1st respondent to place all the facts and documents available with him and thereafter, take a decision and pass orders within a period of eight weeks from the date of receipt of a copy of this order.

7. Respondents are at liberty to submit one more copy of the application to Direct Forest Officer, Salem Division along with documents, if any, within a period of two weeks from the date of receipt of a copy of this order.

8. Accordingly, writ appeal is disposed of. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.SUBRAMANIAM J.)(MOHAMMED SHAFFIQ J.)

13-11-2025

gd
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



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AND
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13-11-2025