



W.A.(MD)Nos.1021 and 1049 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.07.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)Nos.1021 and 1049 of 2024
and
C.M.P.(MD)Nos.7394 and 7715 of 2024**

W.A.(MD)No.1021 of 2024:-

1.The Chairman cum District Collector,
Hill Areas (Preservation of Trees) Committee,
Office of the District Collector,
Dindigul District, Dindigul.

2.The District Forest Officer,
District Forest Office,
Kodaikanal, Dindigul District.

3.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

... Appellants

Vs.

1.N.Rameshkumar

2.M.Dhirajkumar

... Respondents



W.A.(MD)Nos.1021 and 1049 of 2024

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Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.17568 of 2023 dated 06.03.2024 on the file of this Court.

For Appellants : Mr.N.Satheeshkumar,
Addl. Government Pleader.

For Respondents : Mr.K.Jeyamohan,
For Mr.R.Maheswaran

W.A.(MD)No.1049 of 2024:-

1.The Chairman cum District Collector,
Hill Areas (Preservation of Trees) Committee,
Office of the District Collector,
Dindigul District, Dindigul.

2.The District Forest Officer,
District Forest Office,
Kodaikanal, Dindigul District.

3.The Tahsildar,
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Dindigul District.

... Appellants

Vs.

1.N.Rameshkumar

2.M.Dhirajkumar

... Respondents



W.A.(MD)Nos.1021 and 1049 of 2024

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.22285 of 2023 dated 06.03.2024 on the file of this Court.

For Appellants : Mr.N.Satheeshkumar,
Addl. Government Pleader.

For Respondents : Mr.K.Jeyamohan,
For Mr.R.Maheswaran

COMMON JUDGMENT
(By G.R.SWAMINATHAN, J.)

The department is on appeal challenging the common order dated 06.03.2024 passed by the learned Single Judge allowing W.P.(MD)Nos.17568 and 22285 of 2023. By the said order, the learned Single Judge had permitted the writ petitioners to cut and remove the eucalyptus trees planned in their patta land and transport the same through the forest land by using motor vehicles.

2.When the writ appeals were listed on the last occasion, vide order dated 07.03.2025, this Court passed the following order:-



W.A.(MD)Nos.1021 and 1049 of 2024

WEB COPY

“4.The Writ Court had appointed an Advocate Commissioner. After elaborately hearing the rival submissions of the parties and by considering the Advocate Commissioner's report, the Writ Court set aside the order passed by the appellant and granted the relief to the writ petitioners, wherein the petitioners were permitted to take the felled trees through the forest land by crossing the stream manually and thereafter, to transport through vehicles. Aggrieved over the same, respondents in the writ petition have filed the present writ appeals.

5.According to the appellants, the Writ Court ought not to have granted permission to transport the felled trees through vehicles even after the stream until the regular road. To put it otherwise, the petitioners' land is situated near a pathway which is marked as “C pathway”. After the said C pathway, the stream flows. Beyond the stream, the B pathway is situated. Thereafter, the A pathway is situated, which is the regular road.

6.There is no dispute between the writ petitioners and the appellants to carry the felled tree through “C pathway”. The writ petitioners are not aggrieved to transport manually in the portion marked as “stream”. Likewise, there is no dispute between the parties in the A pathway. Now, the dispute is only that the B pathway.



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W.A.(MD)Nos.1021 and 1049 of 2024

7. According to the writ petitioners, there is no stream in the said B pathway. According to the appellants, in the B pathway stream will flow, whenever there is rain. Further in the said B pathway dense bushes are available and there is no pathway at all, hence any motorized vehicle cannot ply. If at all the writ petitioner ought to ply vehicle in B pathway, then the writ petitioner ought to be permitted to remove the bushes. If the said bushes are removed, then regular pathway would be created by the writ petitioner and he would claim it as regular pathway in future. Further there are chances to misuse the said pathway either by the writ petitioners or any other persons who claims to be pathway. The appellants further stated if the B pathway is left unused for few days, then the dense bushes would grow again.

8. From the above submission, it is evident that the only apprehension by the appellants is that the said B pathway should not be made as permanent pathway by the writ petitioners or somebody else.

9. Therefore, this Court is of the considered opinion if a time limit is fixed for the writ petitioners to transport the felled eucalyptus trees, the apprehension and the issue raised by the parties could be resolved. Therefore, the writ petitioners / respondents herein are permitted to remove the felled trees manually while crossing the stream and thereafter by vehicles in the B pathway for until 24.03.2025.



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W.A.(MD)Nos.1021 and 1049 of 2024

10.The parties shall file “status report” of the case and the directions issued supra before this Court on 24.03.2025. Based on the report further orders will be passed.”

3.When the matter was listed on the last occasion, the department expressed their inability to comply with the direction earlier passed on 07.03.2025. We thereupon called the Principal Chief Conservator of Forests to file status report. The status reports reads as under:-

“3.In this regard, the Conservator of Forests, Dindigul has inspected patta land in S.F No.592/1 & 592/2 on 26.06.2025 and found that 1404 No Eucalyptus grandis trees with more than 90 cm girth size. The follow observations were also made by the Conservator of Forests, Dindigul:

There are no records available with the petitioner about the proom plantations raised by them.

Meanwhile Forest Settlement Officer, Dindigul is preparing the revised proposal under section 16 of Tamil Nadu Forest Act 1882 for Ayakudi Forest block by physically verifying all the patta lands/enclosures falling within the Ayakudi Reserved Land on completion of the physical verification of all patta lands the genuineness of survey numbers of 592/1 & 592/2 will be ascertained



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W.A.(MD)Nos.1021 and 1049 of 2024

Further it is to submit that there is no approved right of way for the said survey numbers and the petitioners have purchased the land without ascertaining the pathways available for that particular land

Based on the camera trap images of adjoining forest land, there is frequent movement of wildlife such as Wild dog, Sambar deer and Indian Gaur. Allowing the forest land for transporting the timber and cut material may be detrimental to the existing flora and fauna and it may lead to the siltation of adjoining water body/stream. In due course of time there is a possibility of drying of stream in the process of removing 1404 trees which involves more than large number of lorry loads.

Further it is to submit that, the usage of forest road is not for the public purpose but for the personal gain of the petitioner. As per the recent guidelines and clarifications issued by the Government of India dated. 29.12.2023 of Van (Sanrakshan Evam Samvaradan), temporary usage of forest land may be permitted for the purpose which involves larger public interest. But in this particular case, usage of forest land for the individual's personal gain which is not justified and it is against the provisions of the Forest Conservation Act, 1980

4. In view of the above, she suggested that the District Forest Officer, Kodaikanal may be granted to file second appeal before the Hon'ble Madurai Bench of Madras High



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W.A.(MD)Nos.1021 and 1049 of 2024

*Court at the earliest so as to suitably contest the case in the
Interest of Government.”*

4.We are more than satisfied that there is no pucca road as claimed by the writ petitioners. It is true that there is some kind of a pathway. Admittedly, the writ petitioners purchased the land in question only in the year 2015. As many as 1404 eucalyptus trees have been grown. It is also stated that each tree will weigh not less than a ton. For transporting the same, it is admitted by the writ petitioners themselves that it may take around six months and as many as 600 trips will have to be undertaken.

5.We are more than satisfied that if such vehicular movement is permitted through the proposed reserve forest area, certainly a pucca road will be formed and it is not definitely in the interest of environment. We direct the appellants to grant permission to the writ petitioners to cut the standing eucalyptus trees. To this extent, the learned Single Judge is confirmed. But then, vehicular movement cannot be permitted through the proposed reserve forest. This part of the order of the learned Single Judge is set aside.



W.A.(MD)Nos.1021 and 1049 of 2024

6. These writ appeals are partly allowed. No costs. Consequently,

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connected miscellaneous petitions are closed.

**(G.R.S. J.) & (K.R.S. J.)
28.07.2025**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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