



W.P.(MD)No.15502 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.15502 of 2025

and

W.M.P.(MD)Nos.11730 & 11731 of 2025

P.Kalaiselvi

... Petitioner

Vs.

**1.The Forest Settlement Officer,
Theni District, Theni.**

**2.The Forest Ranger,
Bodinayakanur (Bodi),
Theni District, Theni.**

**3.The Sub Collector,
Uthamapalayam,
Theni District, Theni.**

**4.The Revenue Divisional Officer,
Theni District, Theni.**

**5.The Tahsildar,
Uthamapalayam,
Theni District, Theni.**

...Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the impugned show cause notice dated 27.02.2025 under reference nil as passed by the 2nd respondent in relation to the property bearing Survey Nos.1236, 1237 and 1238 situated at Kottakudi Village, Kadalar Estate, Kurangani, Theni District and set aside the same as illegal, erroneous and arbitrary forthwith.

For Petitioner : Mr.S.Palanivelayutham
For R1 to R4 : Mr.S.P.Maharajan,
Special Government Pleader
For R5 : Mr.J.Ashok,
Additional Government Pleader

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The notice issued by the 2nd respondent under Tamil Nadu Forest Act, 1882 and Wildlife Protection Act, 1972 is under challenge in this Writ Petition.

2.No Writ against such statutory notice is maintainable, unless such notice has been issued by an incompetent authority having no jurisdiction or tainted with the allegation of *mala fide*. Noticee has to respond the notice by submitting explanation along with documents, if any.



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3.In the present case, the allegation set out in the notice is that the petitioner has encroached upon the forest land. That being so, the present Writ Petition is not maintainable.

4.The petitioner states that the explanation has already been submitted. That being so, the respondents shall pass final orders and if there is any encroachment identified in the forest land, then all such encroachments are directed to be removed. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

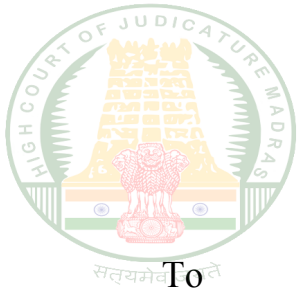
(S.M.S., J.) & (A.D.M.C., J.)

09.06.2025

NCC : Yes / No
Index : Yes / No

Yuva

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AND
DR.A.D.MARIA CLETE, J.
Yuva

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