



W.P(MD)No.30250 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.10.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30250 of 2025

and

W.M.P(MD)No.23357 of 2025

Black Rock Hill Planters Association,
Represented by its Secretary,
P.Lalaji,
No.6, Perumal St,
K.P.Road,
Ramavarmapuram,
Nagercoil,
Kanyakumari District.

... Petitioner

Vs.

- 1.The District Collector and
Chairman of Committee,
Constituted under Preservation of
Private Forest Act, 1949,
Kanyakumari District,
Kanyakumari.
- 2.The District Forest Officer,
Kanyakumari District,
Kanyakumari.



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3.The Revenue Divisional Officer,
Revenue Divisional Office,
Nagercoil,
Kanyakumari District.

4.The Tahsildar,
Thovalai Taluk,
Bhoothapandi Post,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondent No.1 from fixing out time limit for alienation of the private forest lands at Blackrock Estates, Asambu and Mahendragiri hills, Azhagiya Pandiyapuram, Kanyakumari District under section 3(1)(a) of Tamil Preservation of Private Forest Act, 1949.

For Petitioner : Mr.M.Mahaboob Fazil

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard both sides.

2.Lands falling within the purview of the Tamil Nadu Preservation of Private Forest Act, 1959 can be sold only with the previous sanction of



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the Private Forest Committee headed by the District Collector. The grievance of the writ petitioner is that while granting such permission, outer time limit is stipulated.

3. According to the writ petitioner, such stipulation that the permission given by the committee must be availed within a given time limit does not have any statutory sanction.

4. The learned counsel draws my attention to the Section 3 of the Tamil Nadu Preservation of Private Forest Act, 1959. Section 3(1)(a) of the Act reads as follows:

“3.(1)(a) No owner of any forest shall, without the previous sanction of the committee, sell, mortgage, lease or otherwise alienate the whole or any portion of the forest.

Explanation - Nothing in this sub-section shall be construed as preventing the owner from selling or otherwise dealing with the right to gather and remove forest produce other than trees, timber and reeds in the usual or customary manner, for a period not exceeding two years.”



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5.It is true that the statutory provision talks about grant of previous sanction by the committee alone and nothing else. However, as rightly pointed out by the learned Special Government Pleader, “When the law as an incident grants anything, it also grants that without which the thing itself cannot exist.” It means that when power is conferred, it is deemed to include all the other incidental powers also.

6.If the contention advanced by the learned counsel for the petitioner is accepted, that would foreclose any policy change also. As on date, according to the authority, the land is fit for alienation. This view might undergo a change in a few years hence. That is why, time limit is stipulated whenever such permissions are granted. I do not find anything unreasonable in stipulation of outer time limit for effecting alienation after conferment of permission under Section 3 of the Act.

7.I do not accept the contention of the learned counsel for the petitioner that the authority lacks the jurisdiction to fix the outer time limit while granting permission under Section 3 of the Act. There could



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be contingencies when for the person who has been granted permission to unable to comply with the same within time limit limit stipulated. In such cases, whenever extension of time is sought, it should be granted as a matter of course and the extension application must be disposed of within 7 months.

8.This Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

27.10.2025

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

To

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MGA

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