

K.Thandeeswaran Vs. 1.The Principal Chief Conservator of Forests,

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Court : Chennai

Decided On : Nov-19-2014

Judge : V.Dhanapalan

Appellant : K.Thandeeswaran

Respondent : 1.The Principal Chief Conservator of Forests,

Judgement :

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT DATED:

19. 11.2014 CORAM THE HONOURABLE MR.JUSTICE V.DHANAPALAN AND THE HONOURABLE MS. JUSTICE V.M.VELUMANI W.P(MD)No.16878 of 2014 and M.P(MD)Nos.1 to 3 of 2014 K.Thandeeswaran ... Petitioner Vs. 1.The Principal Chief Conservator of Forests, Panagal Maaligai, Saidapet, Chennai ?. 600 15. 2.The Conservator of Forests, Virudhunagar Region, District Collector Office Compound, Virudhunagar District. 3.The Divisional Forest Officer, Divisional Forest Office, Social Forest Division, Sivagangai. 4.The District Collector, Sivagangai District, Sivagangai. ... Respondents Prayer Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the entire records relating to the impugned public auction notice, dated 10.09.2014 passed by the third respondent in Na.Ka.No.1481/2014 Thi, particularly, in respect of Serial Nos.1 and 2 of the impugned notice covering the Social Forest of Sivagangai District and quash the same and consequently, direct the respondents to conduct the public auction after making proper valuation of the

trees by forming a committee of revenue and village people considering the petitioner's representation dated 10.10.2014. !For Petitioner ... Mr.V.Nagendran ^For Respondents ... Mr.K.Chellapandian, Additional Advocate General assisted by Mr.A.K.Baskarapandian, Special Govt. Pleader * * * * :

ORDER

(Order of this Court was made by V.DHANAPALAN,J.) Heard Mr.V.Nagendran, learned Counsel for the petitioner and Mr.K.Chellapandian, learned Additional Advocate General, along with Mr.A.K.Baskarapandian, learned Special Government Pleader for the respondents.

2. What is challenged in this writ petition, is the valuation of the social forest in Sivagangai District in a public auction notice issued by the Forest Department, dated 10.09.2014 in Na.Ka.No.1481/2014 Thi, particularly, in respect of Serial Nos.1 and 2 viz., 1982-Allinagaram Kanmai and 1990AE8 Allinagaram Kanmai, which covered the Social Forest of Sivagangai District, wherein they have announced the public auction of the trees in Kanmai of Allinagaram, Kaanur, and other Kanmais in and around the places.

3. Now, the Conservator of Forests, Madurai Circle, who is holding the additional charge of the second respondent, has come out with an affidavit informing that the method of yield estimation of Prosopis Juliflora trees of 1990/98 Allinagaram Tank Forshore Plantation, has been super-checked by the Conservator of Forests, Virudhunagar Circle, namely, A.Venkatesh, on 25.09.2014. The following are the estimates as stated in the affidavit: "4. It is respectfully submitted that, Prosopis Juliflora Trees of 1990/98 Allinagaram Tank Forshore Plantation and Prosopis Juliflora Trees of 1982 Allinagaram Tank Forshore Plantation, were estimated and checked as follows: (i) The forester who is incharge of the Allinagaram Taks estimated the yield on 17.09.2014. (ii) The above estimation was checked 100% by the Forest Range Officer, Sivagangai on 19.09.2014. (iii) Again the yield estimation was checked 100% by the Divisional Forest Officer, Sivagangai on 19.09.2014. (iv) The yield estimation was super checked by the Conservator of Forest, Virudhunagar circle on 25.09.2014. (v) The Conservator of Forest, Virudhunagar circle in his Ref.No.5999/2014 dated 24.09.2014 constituted a

special monitoring team from Virudhunagar, Social Forest Division, this team was headed by Paulpandian and his party checked 100% of the yield estimation on 01.10.2014.

5. It is respectfully submitted that, according to para Nos.9 of instructions issued in Principal Chief Conservator of Forests Ref.No.SF1/15305/2014 dated 19.07.2014, the Conservator of Forests shall inspect 50% of the estimation of yield of the plantations of the respective division. Out of 45 plantations in Sivagangai Social Forestry Division notified in the sale notice No.12 dated 08.10.2014, Mr.A.Venkatesh, the then Conservator of Forests, Virudhunagar Circle have super checked on 25.09.2014 the yield estimation of 25 plantations out of 45 plantations including the following 2 plan of (i) Prosopis Juliflora Trees of 1990/98 Allinagaram Tank Forshore Plantation. (ii) Prosopis Juliflora Trees of 1982 Allinagaram Tank Forshore Plantation.

6. It is submitted that, at the time of inspection the yield estimation of Prosopis Juliflora Trees of 1990/98 Allinagaram Tank Forshore Plantation is estimated as follows:

Sl.No.	Sample Plot No.	Size of the sample plot	Type of Sample Plot	Total weight in Kgm
1	3	4	5	1
1	1	20MX20M	Heavy	375
2	2	20MX20M	Medium	171
3	3	20MX20M	Light	160
Total	7			706

After weighing the trees available in the sample plot, the then Conservator of Forests, Virudhunagar Circle, revised the estimation as follows:

Sl.No.	Sample Plot No.	Size of the sample plot	Type of Sample Plot	Total weight in Kgm
1	3	4	5	1
1	1	20MX20M	Heavy	380
2	2	20MX20M	Medium	175
3	3	20MX20M	Light	166
Total	7			721

7. It is submitted that, at the time of inspection the yield estimation of Prosopis Juliflora Trees of 1982 Allinagaram Tank Forshore Plantation is estimated as follows:

Sl.No.	Sample Plot No.	Size of the sample plot	Type of Sample Plot	Total weight in Kgm
1	3	4	5	1
1	1	20MX20M	Heavy	580
2	2	20MX20M	Medium	310
3	3	20MX20M	Light	170
Total	7			1060

After weighing the trees available in the sample plot, the then Conservator of Forests, Virudhunagar Circle, revised the estimation as follows:

Sl.No.	Sample Plot No.	Size of the sample plot	Type of Sample Plot	Total weight in Kgm
1	3	4	5	1
1	1	20MX20M	Heavy	580
2	2	20MX20M	Medium	315
3	3	20MX20M	Light	175
Total	7			1070

8. It is further submitted that the fair price has been fixed and auction has been conducted based on the revised yield estimation of Prosopis Juliflora Trees of 1990/98 Allinagaram

Tank Forshore Plantation, Prosopis Juliflora Trees of 1982 Allinagaram Tank Forshore Plantation by Conservator of Forests, Virudhunagar Circle."

4. In the light of the above, it could be seen that what actually the grievance of the petitioner as to the impugned notification issued on 10.09.2014, is that item Nos.1 and 2 are not properly estimated and therefore, there would be a loss to the Government. However, the public authorities have verified the yield estimation and super-checked and again, the same has been looked into by the highest authority and that estimation would be a matter which cannot be tested in a writ jurisdiction as the said method could be adopted as per the norms and procedures of the Forest Department and the value arrived at thereon.

5. Therefore, in the absence of any contra evidence or any pleadings of the petitioner, it is not for this Court to go into the estimation of yield and the costs arrived at thereon, to go for a public tender through the impugned notice and hence, no case is made out to entertain the petitioner's case as to the alleged impunity in the said notification. Accordingly, the writ petition fails.

6. In fine, this writ petition stands dismissed. Consequently, M.P(MD)Nos.1 and 2 of 2014 are dismissed and M.P(MD)No.3 of 2014 is closed. No costs. Index : Yes (V.D.P.,J.) (V.M.V.,J.) Internet : Yes 19.11.2014 rsb V.DHANAPALAN,J.

AND V.M.VELUMANI,J.

rsb To 1.The Principal Chief Conservator of Forests, Panagal Maaligai, Saidapet, Chennai ?. 600 15. 2.The Conservator of Forests, Virudhunagar Region, District Collector Office Compound, Virudhunagar District. 3.The Divisional Forest Officer, Divisional Forest Office, Social Forest Division, Sivagangai. 4.The District Collector, Sivagangai District, Sivagangai. W.P(MD)No.16878 of 2014 and M.P(MD)Nos.1 to 3 of 2014 19.11.2014

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