



W.P.(MD) No.5014 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.5014 of 2023

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... Petitioner

/vs./

1.The District Forest Officer,
Megamalai,
Theni Division,
Theni District.

2.The Forester,
Megamalai,
Theni Division,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to allow the petitioner for harvesting the cardamoms by his family members or laborers from using vehicular transport along the existing usual pathway or coupe mud road to gain access of the petitioner's own patta lands comprising of agricultural land at Survey No.95 extent of 1 acre which is agricultural land situated at Erasakkanayakkanoor Malai Gramam, Uthamapalayam, Theni District by considering the representation dated 25.02.2023.



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For Petitioner : Mr.S.Prabha

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

The above writ petition has been filed for a Mandamus directing the respondents to allow the petitioner to harvest the cardamoms.

2.This Court, by order dated 09.03.2023, had appointed an Advocate Commissioner to assist the petitioner to cut the cardamoms in the property, which has been described in the writ petition. The Advocate Commissioner has submitted a report, in which he has stated as follows:-

“3.I submit that the petitioner counsel stated that the whole of the petitioner property ie., S.No.95 with an extent of 23.37 acres as a whole need to be harvested since that is their prayer sought in the writ petition but the same was denied since it was not granted by this Hon'ble Court and the same was also not possible to do so in a single day it is a vast extent. Thereafter the petitioner stated that he is not aware of the boundaries and lie of S.No.95/1B and as per the commission I with the help of the revenue officials identified the lie of the above survey number and it was also informed by the revenue



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officials that the S.No.95/1B measures 2.49 acres as per the revenue records. At around 1.00 pm we identified S.No.95/1B and found that there were only very few cardamoms within the said survey number and even within that there were only very few cardamoms which are ripe for harvest.”

3.Considering the fact that the request of the petitioner has been acceded to by this Court and they were permitted to take whatever cardamom was available in the said survey number, the relief claimed in the writ petition has been granted and the Writ Petition is closed. However, there shall be no order as to costs.

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

24.03.2023

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To

1.The District Forest Officer,
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P.T.ASHA, J.

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2.The Forester,
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