



WP(MD)No.12137 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.10.2023**

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THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.12137 of 2021

and

W.M.P(MD)No.9556 of 2021

A.Radha

...Petitioner

/Vs./

1.The District Collector,
Sivagangai,
Sivagangai District

2.The District Forest Officer,
O/o The District Forest Officer,
Collector Office Complex,
Sivagangai District

3.Pandi

4.K.Macheswaran

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to forbear the respondents 3 and 4 from illegally removing the proprosis julifora trees in 1981 Arasakulam plantations Manamadurai Taluk, Sivagangai District and consequently directing the respondent No. 2 to initiate action against the respondents 3 and 4 for illegal



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removal of propositis julifora trees in 1981 Arasakulam plantations Manamadurai Taluk, Sivagangai District within the time frame stipulated by this Court.

For Petitioner : Mr.Rajasekar

For R1 & R2 : Mr.K.S.Selvaganesan

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of writ of mandamus forbearing the respondents 3 and 4 from illegally removing the propositis julifora trees and for consequential direction to the second respondent to initiate action against the respondents 3 and 4 for illegal removing the trees.

2. The case of the petitioner is that the second respondent had called for auction for cutting the trees at Arasakulam Plantations. The petitioner participated in the auction and she was the successful bidder and she had remitted 1/3rd of the bid amount. 2/3rd amount was not able to be paid immediately and time was also extended by the second respondent. The petitioner was not able to mobilise the funds immediately. Thereafter, the petitioner came to understand that propositis julifora trees have been illegally removed during the lockdown period.



WEB COPY

3. According to the petitioner, it is the third and fourth respondents who had illegally removed the trees. Therefore, the petitioner wanted to take action against the 3rd and 4th respondents and a representation was also given to the second respondent in this regard. Since the same was not considered, the present writ petition has been filed before this Court.

4. The second respondent has filed a counter affidavit. The relevant portions in the counter affidavit are extracted hereunder:-

“4) It is respectively submitted that, 1981 Arasakulam plantation for 18 hectare was also brought for auction on 06.10.2020. The writ petitioner had become the highest bidder for Rs. 5,76,000/- among other three participants in the auction sale held on 16.10.2020. As per sale notice conditions, the writ petitioner had remitted Rs.1,92,000/- as one third sale amount on the date of sale itself. The sale was confirmed in the name of the writ petitioner in District Forest Officer, Sivagangai letter No. 4860/2020/L dated: 17.10.2020 wherein writ petitioner was instructed to remit the balance two third amount of Rs. 3,84,000/- and other amount for Income Tax and Security Deposit totally for Rs.4,58,074/- with the condition that it should be paid within the 30 days from the date of receipt of this letter. This letter was received by the writ petitioner on 06.11.2020 But, writ petitioner failed to pay the above said amount. In order to provide another opportunity, he was again reminded on 08.04.2021 to pay



the said amount. He has not paid the amount so far.

5. It is respectively submitted that, the total area of Arasakulam tank is 45.83 hectare. Out of it, an extent of 5.83 hectare is belonged to Revenue Department and the balance of 40 hectare is under the control of Forest Department. On 16.10.2020, only 18 hectare out of 40 hectare of Forest Department was put up for auction and the Writ petitioner had become the highest bidder as explained above. It is relevant to mention herein that trees from the above said 18 hectare was not felled by the Respondent No 3 and 4. In fact, the District Collector, Sivagangai in his letter No.G1/8540/2020 dated:23.05.2020 had ordered for removal of trees available in tanks and inward side of the land belonged to the Revenue Department under the Scheme of Kudi Maramaththu Work by allotting to Farmers Associations. The Respondent 3 and 4 are engaged by the concerned Farmers Associations in order to remove the trees from the revenue land as explained above. It is not connected with trees of 18 ha leaased out by the Forest Department to the writ petitioner.”

5. In the considered view of this Court, the petitioner does not have *locus standi* to maintain this writ petition, since the petitioner has participated in the auction conducted by the second respondent and had failed to remit 2/3rd balance amount. That apart, it is clear from the counter affidavit that felling of the trees was not done by the 3rd and 4th respondents.



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6. In view of the above, there are no merits in this writ petition and accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

19.10.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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To,

1.The District Collector,
Sivagangai,
Sivagangai District

2.The District Forest Officer,
O/o The District Forest Officer,
Collector Office Complex,
Sivagangai District



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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.12137 of 2021
and W.M.P(MD)No.9556 of 2021

Dated:
19.10.2023