



W.P.(MD)No.12150 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.12150 of 2021

and

W.M.P.(MD).No.9567 of 2021

N.Elangovan

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Sivagangai,
Sivagangai District.
- 2.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Sivagangai,
Sivagangai District.
- 3.The Tahsildar,
Manamadurai Taulk Office,
Manamadurai,
Sivagangai District.
- 4 The President,
Malavarayanenthal Village Panchayath,
Malavarayanenthal Village,
Thirupuvanam Union,
Sivagangai District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 2nd Respondent in Na.Ka.A1/9232/2019 dated 10.09.2020 and quash the same and further directing the 2nd Respondent to extend the period of cutting of SeemaiKaruvelam Trees pursuant to the order dated 31.08.2020 on the file of the 2nd Respondent for a period of six months.

For Petitioner : Mr.R.Maheswaran

For R-1 to R-3 : Mr.A.K.Manikkam,
Special Government Pleader

For R-4 : Mr.Balurajasekran

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the second respondent dated 10.09.2020 and for a consequential direction to the second respondent to extend the period for cutting the seemaikaruvelam trees.

2. Heard the learned counsel on either side.



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3. The case of the petitioner is that the petitioner participated in an auction in the year 2017 pertaining to cutting and removing the seeemaikaruvelam trees. The petitioner turned out to be the successful bidder for Survey Nos.96 and 89/2 and the order was also issued in favour of the petitioner for cutting the trees. The period was fixed up to 31.12.2017.

4. A Writ Petition was filed before this Court in W.P. (MD).No.23087 of 2017 challenging the license given in favour of the petitioner. This Writ Petition was dismissed by an order dated 14.02.2018. Repeatedly, objections were made for cutting the trees and therefore, the petitioner was not in a position to complete the work and he sought for extension of time for cutting the seeemaikaruvelam trees.

5. The request made by the petitioner was considered by the second respondent and the period of lease was extended up to 30.08.2018. This was once again put to challenge before this Court and as a result, the petitioner was not able to continue with the work and there was repeated disruption by filing one Writ Petition after the other. Hence, the petitioner



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once again requested for extension of time and the second respondent directed the petitioner through proceedings dated 24.08.2020 to deposit the sum of Rs.38,528/- (Rupees Thirty Eight Thousand Five Hundred and Twenty Eight only) as the bid amount. The petitioner also deposited this amount. By means of the impugned proceedings dated 10.09.2020, the second respondent cancelled the permission granted and refunded the amount of Rs.38,528/- (Rupees Thirty Eight Thousand Five Hundred and Twenty Eight only) paid by the petitioner. Aggrieved by the same, the present Writ Petition has been filed before this Court.

6. In the considered view of this Court, the respondent has taken into consideration the fact that there were repeated disruptions in the petitioner carrying out the work and hence, the petitioner was not in a position to complete the work. In view of the same, it was decided not to proceed further with the permission given to the petitioner and accordingly, the sum of Rs.38,528/- (Rupees Thirty Eight Thousand Five Hundred and Twenty Eight only) that was paid by the petitioner was also refunded.



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7. This Court does not find any illegality in the impugned proceedings issued by the second respondent on 10.09.2020. The second respondent had taken into consideration the fact that the work was not able to be proceeded further, since there were objections from the village people and repeated Writ Petitions were filed before this Court whenever the permission was granted in favour of the petitioner. Hence, on an overall appreciation on the facts and circumstance of the case, the impugned proceedings of the second respondent does not suffer from any illegality.

8. The learned counsel appearing for the petitioner while placing his arguments submitted that the petitioner had earlier paid a sum of Rs.55,000/- (Rupees Fifty Five Thousand only) and also made a security deposit of Rs.12,417/- (Rupees Twelve Thousand Four Hundred and Seventeen only). In spite of the same, the petitioner is not allowed to complete the work and therefore, the respondents must be directed to refund the amount.



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9. This issue that has been raised by the learned counsel for the petitioner is not a cause of action for filing the present Writ Petition.

This is an independent issue which has to be agitated by the petitioner independently and it should not be clubbed in this Writ Petition. Therefore, it will be left open to the petitioner to make a fresh representation in this regard before the concerned authority and work out his remedy in accordance with law.

10. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

28.11.2023

NCC:yes/no
Index:yes/no
Internet:yes/no

tsg

To

1.The District Collector,
District Collector Office,
Sivagangai,
Sivagangai District.

2.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
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3. The Tahsildar,
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N.ANAND VENKATESH, J.

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