

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.09.2015

Coram

The Honourable Mr.Justice K.K.SASIDHARAN

W.P.No.5729 of 2014

S.Veeman

.. Petitioner

vs.

1. The District Collector,
Salem District, Salem.
2. The District Revenue Officer,
Salem District, Salem.
3. The Superintendent of Police,
Salem District, Salem.
4. District Forest Officer,
Salem District, Salem.
5. The Tahsildar,
Gengavalli Taluk,
Salem District.

6. Rani

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to direct the respondents to consider the petitioner's representation dated 26.11.2013 on merits expeditiously.

For Petitioner : Mr.Jayakumar
for M/s.Arulselvam Associates

For Respondents : Mr.M.S.Ramesh,
Addl. Govt. Pleader for R1 to R5
Mr.T.Murugamanickam for R6

ORDER

The petitioner has come up with this writ petition alleging that in violation of the conditions of assignment, the 6th respondent has been cutting and removing valuable trees from the property assigned to her.

2. According to the petitioner, the 6th respondent removed as many as 90 parambai trees without any authority and in utter violation of the terms of assignment. Though representation was given to respondents 1 to 5, requesting them to interfere in the matter, further action was not taken. The petitioner is therefore before this Court.

3. The sixth respondent filed a counter affidavit, wherein it was indicated that she was given assignment of waste land by the Government. Similarly the petitioner was also given assignment by the Government. According to the sixth respondent, while reclaiming the lands, the thorny shrubs and trees were removed. The petitioner mistook it as removal of trees and made a false representation before the authorities.

4. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing on behalf of respondents 1 to 5 and the learned counsel for the sixth respondent.

5. There is no dispute that the petitioner and the 6th respondent are beneficiaries of assignments given by the Government. In case, the order of assignment contains certain conditions and in the event of violation of any of those conditions, it is always open to the authorities to take appropriate action on merits.

6. The petitioner has already given a representation to the District Collector, Salem District, as early as on 26.11.2013. It is for the District Collector to look into the matter and take appropriate action befitting the facts and circumstances.

7. In the result, a writ, in the nature of a writ of mandamus, is issued directing the first respondent to consider and dispose of the representation dated 26.11.2013 with notice to the sixth respondent. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

8. The writ petition is allowed to the extent indicated above. This order would not stand in the way of the District Collector from taking action against the petitioner in case there is violation of the condition of assignment, at the instance of the petitioner. No costs.

-Sd/-

Assistant Registrar

//True copy//

msk

To

1. The District Collector,
Salem District, Salem.
2. The District Revenue Officer,
Salem District, Salem.
3. The Superintendent of Police,
Salem District, Salem.
4. District Forest Officer,
Salem District, Salem.
5. The Tahsildar,
Gengavalli Taluk,
Salem District.

+1 cc to Mr.T.Murugamanickam, Advocate (sr.52341)

+1 cc to Mr.Arulselvam&Associates (sr.52369)

vm(co)
cp 13/10/2015

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