

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.03.2015

CORAM

The Honourable MR. JUSTICE M.DURAI SWAMY

W.P.No.5944 of 2015

K.Selvaraj
]

[Petitioner

Vs

1. The District Collector,
Nagapattinam District,
Kadambady, Nagapattinam
 2. The District Forest Officer,
Nagapattinam District
 3. The Forest Ranger,
Sirkazhi Division, Sirkazhi
-]

[Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to grant permission to the petitioner to cut down the trees and transport the same in accordance with law in light of the representation dated 7.11.2014 within a time frame to be stipulated by this Honble Court.

For Petitioner : Mr.S.Mohan

For Respondents : Mr.R.Lakshminarayanan, AGP for R1
Mr.N.Inbanathan, G.A (Forests)
for R2 & R3

ORDER

The above Writ Petition has been filed by the petitioner to issue a Writ of Mandamus directing the respondents to grant permission to the petitioner to cut down the trees and transport the same in accordance with law in the light of the representation dated 7.11.2014 within a stipulated time.

2. Mr.N.Inbanathan, learned Government Advocate (Forests) takes notice for the 2nd and 3rd respondents. Mr.R.Lakshminarayanan, Learned Additional Government Pleader takes notice for the 1st respondent and submitted that the 1st respondent directed to consider the representation of the petitioner within a stipulated time.

3. It is the case of the petitioner that he filed a suit in O.S.No.310 of 2003 on the file of the Additional District Munsif

Court, Mayiladuthurai for permanent injunction, which was decreed by the Trial Court on 17.02.2005, against which, the respondents filed an appeal in A.S.No.55 of 2005 on the file of the Principal Sub Court, Mayiladuthurai, which was dismissed for non prosecution. Thereafter, the petitioner filed another suit in O.S.No.209 of 2012 on the file of the Principal District Munsif, Mayiladuthurai for mandatory injunction directing the respondents herein to grant permission to him to cut down the teakwood trees in the suit property. The Trial Court decreed the said suit on 30.08.2013.

4. According to the learned counsel for the petitioner, the respondents have not filed any appeal as against the decree granted in O.S.No.209 of 2012. In these circumstances, the petitioner gave a representation to the respondents on 07.11.2014 to grant permission to cut down the trees and transport the same in accordance with law. According to the petitioner, though the representation was given by him on 07.11.2014, the respondents have not considered the same yet.

5. Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for in the writ petition, without expressing any opinion with regard to the merits of the case, I direct the 1st and 2nd respondents to consider the representation given by the petitioner on 07.11.2014 and dispose of the same within a period of four weeks from the date of receipt of a copy of this order.

With the above observation, the writ petition is disposed of .
No costs.

Sd/-
Assistant Registrar
Dated:13.3.15

True Copy

Sub Assistant Registrar

To

1. The District Collector,
Nagapattinam District,
Kadambady, Nagapattinam
2. The District Forest Officer,
Nagapattinam District
3. The Forest Ranger,
Sirkazhi Division, Sirkazhi

+1 cc to Spl.Government Pleader (F) SR.12642

+1 cc to M/s.S.Mohan, Advocate, SR.12249.

mp(co)
krd 17/3

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