



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **30.09.2015**

WEB COPY

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THE HONOURABLE **MR.JUSTICE R.SUBBIAH**

W.P (MD) .No.17663 of 2015

R.Palani

...Petitioner

Vs.

1.The Assistant Engineer,
PWD,
Irrigation Division,
Manamadurai,
Sivagangai.

2.The Tashildhar,
Tashildhar Office,
Manamadurai,
Sivagangai.

...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the second respondent to consider the representation, dated 26.08.2015 and pass appropriate orders within the time stipulated by this Court.

For petitioner : Mr.R.Ramadurai

For Respondents : Mr.M.Murugan,

Government Advocate takes notice

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the second respondent to consider the representation of the petitioner, dated 26.08.2015 and pass appropriate orders within a stipulated time.

2. Mr.M.Murugan, learned Government Advocate takes notice for the respondents.

3. By consent, the Writ Petition itself is taken up for final disposal.

4. In the affidavit it has been averred that the land in S.No.02 measuring to an extent of 35 acres situated at Chembryaenthal Village, Thirupasethi Post, Manamadurai, Sivagangai



District absolutely belonged to the petitioner and he had purchased the same from one Raja in the year 1987 and he has been cultivating the said land and has raised plantation like coconut tree, teak tree and other trees therein. In the meanwhile, he had applied for patta for the said land and the Land Settlement Officer had directed the second respondent through his order, dated 12.09.1995 to issue patta. But till date patta has not been issued to the petitioner. Further, in the above said land, abetting Vaigai river, Seema Karuvelam Trees have grown up making the appearance thick and dense thereby causing hindrance to the growth of the plantations and spoiling the ecological system of that surroundings. Therefore, the petitioner has made representation to the first respondent on 04.03.2015 seeking permission to remove the Seema Karuvelam trees in the petitioner's land and the same was permitted by the first respondent through his order, dated 23.03.2015. Immediately thereafter, the petitioner had approached the second respondent herein to get further permission to remove the Seema karuvelam trees from the petitioner's land. But there was no response. Hence, the petitioner has sent a representation to the second respondent on 26.08.2015. The same was not considered so far. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. When the matter is taken up for consideration, the learned Government Advocate submitted that the first respondent has allowed the petitioner only to remove the trees which are found in the bank of the river channel and not from the land comprised in S.No.62 measuring to an extent of 35 acres situated at Chembryaenthal Village, Thirupasethi Post, Manamadurai, Sivagangai District.

6. However irrespective of the submissions made on either side, without going into the merits of the averments made in the Writ Petition, this Court directs the second respondent to consider the representation of the petitioner, dated 26.08.2015, on merits and in accordance with law by affording an opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the second respondent to consider the same purely on merits.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar(AE)



To

WEB COPY

1.The Assistant Engineer,
PWD,
Irrigation Division,
Manamadurai,
Sivagangai.

2.The Tashildhar,
Tashildhar Office,
Manamadurai,
Sivagangai.

+1cc to Spl.GOvernemnt Pleader Sr.No. 58112
+1cc to Mr.R.Ramadurai, Advocate SR.No.57655
pm
AA/AAL-MPA/14.10.2015/3p-5c

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