



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD)No.22137 of 2015

and

M.P (MD)No.1 of 2015

Nallu

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Uthamapalayam,
Theni District.

2.The Thasildhar,
Uthamapalayam Taluk,
Theni District.

3.Nagaraj

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating with the impugned order made by the second respondent in Na.Ka.No.A4/2515/2015, dated 19.11.2015 and quash the same as it is arbitrary and illegal and in consequence to direct the second respondent to grant 2C patta in favour of the petitioner to the two Tamarind trees standing in S.No.1216/12 in Keelagudalur village in Uthamapalayam Taluk, Theni District.

For Petitioner : Mr.R.Suriyanarayanan

For R-1 & R-2 : Mr.S.Kumar,
Additional Government Pleader

O R D E R

This Writ Petition is filed challenging the order of the second respondent, dated 19.11.2015 and consequently seeking for a direction to the second respondent to grant 2C patta in favour of the petitioner in respect of 2 Tamarind Trees standing in S.No.1216/12 in Keelagudalur village in Uthamapalayam Taluk, Theni District.

2.The case of the petitioner is that he has made an application for grant of 2C patta as early as in the year 2012 and the said application is pending before the second respondent in respect of the subject matter Tamarind Trees. Therefore, it is contended that during the pendency of the above said application, the present order is passed by the second respondent for removal of the trees by public auction and to deposit the amount in the Government fund.

3. Heard the learned counsel appearing for the petitioner and perused the materials placed before this Court.



4. First of all, the impugned proceedings is an internal communication between the second respondent and the first respondent. Perusal of the said communication would clearly show that the subject matter tamarind trees are found to be causing danger to the life of the persons whose houses are situated adjacent to the same. The second respondent came to such conclusion only after conducting a detailed field inspection. Relevant portion of the communication is extracted hereunder:

“ஆகவே பிரஸ்தாப இந்த மரமானது ஸ்தலப்பார்வை செய்யப்பட்டது. இந்த மரமானது குடியிருப்பு பகுதியின்மீது சாய்வாக உள்ளது. இந்த மரம் பசுமையாக இருந்தபோதிலும் சாய்ந்து விழும்பட்சத்தில் உயிர்ச்சேதம் ஏற்பட வாய்ப்புள்ளது.”

5. When such being the finding rendered by the second respondent, this Court is not inclined to interfere with the internal communication issued by the second respondent to the first respondent, particularly, when the second respondent has expressed an apprehension that there is likelihood of loss of life if the tree falls on the adjacent tenements. Moreover, the petitioner is not having any vested right to seek for 2C patta as it is for the Revenue Officials to consider and grant the same provided grant of such patta will not cause any danger to the public life as has been found in this case. Therefore, I do not find any reason to interfere with the impugned order. Accordingly, this Writ Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Uthamapalayam,
Theni District.

2.The Thasildhar,
Uthamapalayam Taluk,
Theni District.

+1cc to Mr.R.Suriyanarayanan, Advocate SR.No. 70968

+1cc to The Special Government Pleader, Madurai. SR.No.71051

W.P. (MD) No.22137 of 2015
10.12.2015

pm

NS/JGB-DP/30.12.2015 : 2P/5C