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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.16064 of 2013
and MP.(MD).No.1 and 2 of 2013

M.Antony

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District.

2.The Revenue Divisional Officer,
Kovilpatti
Thoothukudi District.

3.The Tahsildar,
Ettayapuram Taluk,
Thoothukudi District.

4.S.Balakrishnan

5.The District Forest Officer,
Thoothukudi,
Thoothukudi District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1 to 3 respondents herein to stop the illegal cutting and removal of the karuvel trees situated in S.No. 402/10 and other survey numbers of Ayyarajapatti panchayat Thoothukudi district by the 4th respondent and consequently directing the respondents 1 to 3 to collect the revenue from the 4th respondent for cutting and removing the Karuvel trees situated other than in S.No. 404/1 of Ayyarajapatti panchayat Thoothukudi district.

For Petitioner : Mr.F.Deepak

For Respondents 1-3&5: Mr.M.Govindan,

Special Government Pleader.

For 4th Respondent : No appearance

ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

The petitioner has come forward with this writ petition seeking for a direction to the respondents 1 to 3 to stop the illegal cutting and removal of the karuvel trees situated in S.No.402/10 and other survey numbers of Ayyarajapatti Panchayat, Thoothukudi District by the fourth respondent and to direct the respondents 1 to 3 to collect revenue from the fourth respondent for cutting and removing the karuvel trees situated other than S.No.404/1 of Ayyarajapatti Panchayat, Thoothukudi district.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Though notice was served on the fourth respondent and his name

printed in the cause list, there is no appearance on behalf of the fourth respondent.

3.Mr.M.Govindan, learned Special Government Pleader, on instructions, submitted that the Revenue Divisional Officer has given a report stating that the allegation made in the writ petition seems to be correct and an enquiry has been conducted to recover the amount from the fourth respondent after getting an assessment of the value of trees from the Forest Department.

4.In view of the above, the authorities are entitled to proceed in accordance with law. However, if any third party will be affected by the nature of the relief sought for by the petitioner or by any order to be passed, the authority shall hear such person to avoid the allegations of violation of principles of natural justice.

5.The writ petition is disposed of as above. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2013 are closed.

Sd/-

The Assistant Registrar(T&P)

/True copy/

Sub-Assistant Registrar

To

1.The District Collector,
Thoothukudi District.

2.The Revenue Divisional Officer,
Kovilpatti
Thoothukudi District.

3.The Tahsildar,
Ettayapuram Taluk,
Thoothukudi District.

4.The District Forest Officer,
Thoothukudi,
Thoothukudi District.

+1cc to special Government Pleader SR.no.44271

sms

SR:JGB:AAL:21.8.2015:2P/6C

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& MP(MD)Nos.1 7 2 of 2013
04.08.2015