



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.03.2016

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE C.T.SELVAM

W.A. (MD) No.495 of 2016

A.Martin

.. Appellant

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Revenue Divisional Officer,
Padmanabhapuram,
Thakalay via,
Kanyakumari District.

3.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

4.S.Nagarajan

.. Respondents

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patent against the order of this Court, dated 10.07.2012 in W.P.(MD) No.9070 of 2012.

For Petitioner : Mr.S.Palanivelayutham

For RR1 to 3 : Mr.AK.Baskarapandian

Special Government Pleader

J U D G M E N T

(The Judgment of the Court was delivered by
S.MANIKUMAR, J.)

The Writ Court has passed the following order:-

"Heard the learned counsel appearing for the petitioner and Mr.A.K.Baskara Pandian, learned Special Government Pleader, who takes notice on behalf of respondents 1 to 3. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. The present Writ Petition has been laid for a Mandamus directing the respondents, particularly, the third respondent to initiate appropriate legal action in accordance with law for



removing the mango tree which has got protruded on the roof of the petitioner's house at 13/28, Melaperuvilai Village, Kalkulam Taluk, Kanyakumari District, forthwith in pursuance of the petitioner's complaint dated 08.03.2012 to the second respondent as against the fourth respondent.

3. I am of the considered view that if the Mango Tree has got protruded on the roof of the house of the petitioner, he has to file a Civil Suit, if at all he wants the fourth respondent to remove the same. Instead of doing so, the petitioner has sent a representation to respondents 1 to 3 and seek a direction from this Court to direct them to take action against the fourth respondent on the complaint given by him.

4. In view of the above, the present Writ Petition stands disposed of with a direction to the petitioner to approach the appropriate forum to get appropriate relief. No costs."

2.Considering the facts and pleadings, the appellant deserves to be awarded with exemplary cost for invoking extraordinary jurisdiction of this Court under Section 226 of the Constitution of India, but considering the submission of the appellant, we refrain from doing so. There is absolutely no merit in this appeal and hence, the same is dismissed. No costs.

Sd/

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar/

To

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Revenue Divisional Officer,
Padmanabhapuram,
Thakalay via, Kanyakumari District.

3.The Tahsildar, Kalkulam Taluk,
Kanyakumari District.

+1cc to Spl.Government Pleader in SR.No.18572

SDR:AN/MP/12.04.2016:2/5C