

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.25732 of 2017

Meena Shivakaumar

.. Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.
 2. Regional Deputy Commissioner,
Corporation of Chennai,
Zone VIII, Shenoy Nagar,
Chennai-600 030.
 3. The Assistant Commissioner,
Corporation of Chennai,
Zone X, Kodambakkam,
Chennai-600 024.
 4. The Assistant Engineer,
Corporation of Chennai,
Ward No.134, Zone X,
Kodambakkam, Chennai-600 024.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the second respondent to remove dangerous/disturbance trees, namely Peepal-Ficus religiosa (Arasamaram), Calophyllum Inophyllum (Pungai tree) and Thespisia Populaena (Poovarasm tree) situated in Akbarbad 1st Street, Kodambakkam, Chennai-600 024, pursuant to the representations of the petitioner dated 11.03.2017 and 22.08.2017.

For petitioner : Mr.T.S.Kani

For respondents: Mr.T.C.Gopalakrishnan

ORDER

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Mandamus to direct the second respondent to remove dangerous/disturbance trees, namely Peepal-Ficus religious (Arasamaram), Calophyllum Inophyllum (Pungai tree) and Thespisia Populaena (Poovarasm tree) situated in Akbarabad 1st Street, Kodambakkam, Chennai-600 024, pursuant to the representations of the petitioner dated 11.03.2017 and 22.08.2017.

2. It is the case of the petitioner that on the right side of the compound wall of her house in New No.33, Old No.16/5, Muthu Muruga Illam, Akbarabad I Street, Kodambakkam, Chennai-600 024, there is a tree called Peepal-Ficus religious (Arasamaram); in front of her house, there is a tree called Calophyllum Inophyllum (Pungai tree) and on the right side of her house, there is a tree called Thespisia Populaena (Poovarasm tree). Since the said trees are in damaged condition, she wants to remove them and in the place of these trees, she wanted to plant 21 trees. Hence, to remove the said trees and plant 21 trees, she has sent representations dated 11.03.2017 and 22.08.2017 to the respondents, and as the same had not yet been considered, she has filed the above Writ Petition for the relief stated supra.

3. Without going into the merits of the case, this Court is of the view that the said representations have to be given a quietus to. Accordingly, the respondents are directed to dispose of the said representations, on merits and in accordance with law, within a period of one month from the date of receipt of a copy of this order. Further, before considering and disposing of the said representations, and before ordering for cutting the above said three trees, the respondents have to ascertain about the genuineness of the representations and necessary photograph and videograph will have to be taken, if the trees are to be removed. Further, anybody interested in the cutting of trees, will have to be given notice before disposing of the said representations. The respondents will also have to ascertain as to whether the trees mentioned supra, are in front of the premises of the property of the petitioner.

4. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

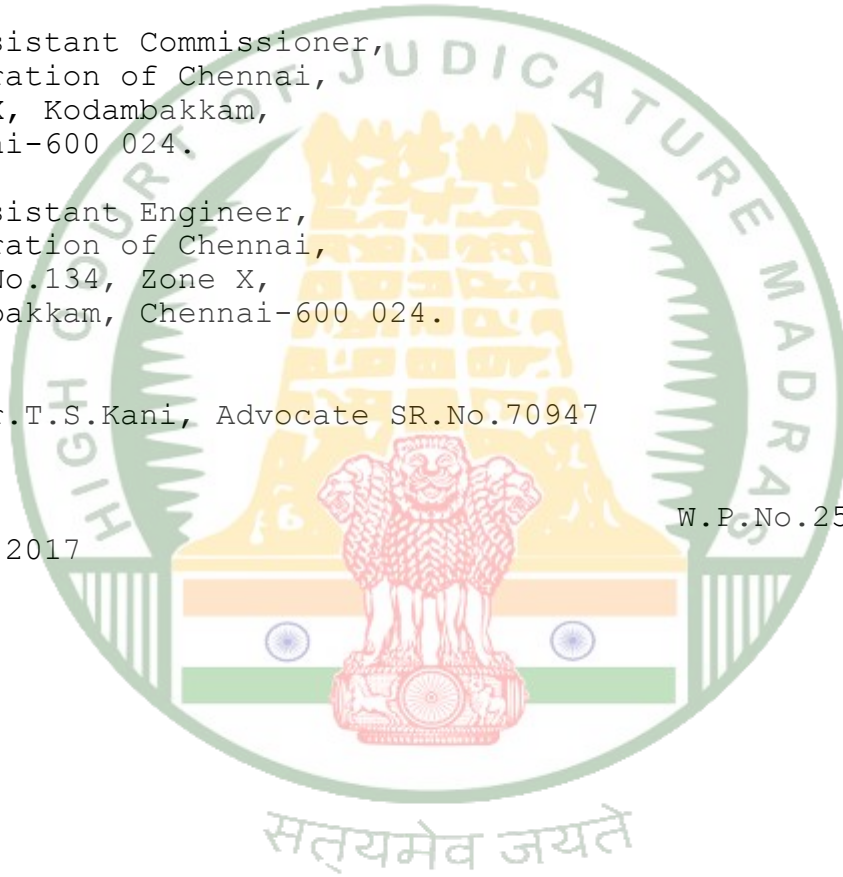
To

1. The Commissioner,
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2. Regional Deputy Commissioner,
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4. The Assistant Engineer,
Corporation of Chennai,
Ward No.134, Zone X,
Kodambakkam, Chennai-600 024.

+2cc to Mr.T.S.Kani, Advocate SR.No.70947

SDR 30.10.2017

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