

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

Dated: 17.03.2017

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No. 38893 and 38894 of 2016
W.M.P.No. 33322 of 2016

E.Krishnan ... Petitioner in W.P.No.38893/2016

V.Imayavarman ... Petitioner in W.P.No.38894/2016

Vs.

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The District Superintendent of Police
Dharmapuri District,
Dharmapuri.

3.The District Forest Officer,
Dharmapuri District,
Dharmapuri.

4.The District Project Officer,
Rural Development ,
Dharmapuri District,
Dharmapuri.

5.The Assistant Director of Rural
Development (Panchayat)
Dharmapuri District,
Dharmapuri.

6.The Revenue Divisional Officer,
Dharmapuri District,
Dharmapuri.

7.The Tahsildhar,
Dharmapuri Taluk
Dharmapuri.

8.The Block Development Officer,
Pallacode Union,
Block Development Office,
Dharmapuri.

... Respondents

Prayer in W.P.No.38893 of 2016, Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for records of the 8th respondents in its proceedings Na.Ka.No.1945/2016/Aa2, dated 14.10.2016, quash the same and consequently direct the respondents to grant permission to the petitioner to remove the Seemakaruvelai, to dig and repair the Varagunda lake situated at Kammalapatty Village, Dharmapuri Taluk.

Prayer in W.P.No.38894 of 2016, Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for records of the 8th respondents in its proceedings Na.Ka.No.219/2016/E2, dated 17.10.2016, quash the same and consequently direct the respondents to grant permission to the petitioner to remove the Seemakaruvelai, to dig and repair the Chettikulam lake situated at Chettikulam Village, Dharmapuri.

For Petitioners : Mr.K.Balu

For Respondents : Mr.A.N.Thambidurai,
Spl.G.P., for RR1,2,4&5
Mr.M.Santhana Raman AGP Assisted by
Mr.N.Inbanathan G.A., for R3

C O M M O N O R D E R

With the consent of the learned counsels appearing on either side, the Writ Petitions are taken up for final disposal.

2.Heard Mr.K.Balu, learned counsel appearing for the petitioner, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1, 2, 4 & 5 and Mr.M.Santhana Raman, learned Additional Government Pleader (Forest) appearing for Mr.N.Inbanathan, learned Government Advocate appearing for the third respondent.

3. The prayer in the Writ Petitions is to quash an order passed by the eighth respondent, dated 14.10.2016 and 17.10.2016, in and by which the permission sought for by the petitioners on behalf of the political party to remove the Seemakaruvelai trees was rejected.

4. During the pendency of the Writ Petitions, there has been several events, which have taken place, which may have a direct or indirect bearing on the relief sought for in this Writ Petition, namely, the Hon'ble Division Bench of the Madurai Bench of this Court has taken up for consideration a Public Interest Litigation in W.P.(MD).No.16485 of 2015, dated 27.02.2017, wherein directions have been issued for removal of Seemakaruvelai trees throughout the State.

5. It is submitted by the learned Additional Government Pleader that effective steps have been taken by the Forest Department as well as the Revenue Department and the public have also joined hands with the officials in effectively implementing the directions.

6. So far as the petitioner's grievance is concerned, the learned Additional Government Pleader produced a copy of the letter written by the Soil Conservation Authority, Mettur Soil Conservation Scheme, Project Division, Dharmapuri, dated 07.12.2016, addressed to the District Forest Officer, Dharmapuri Division. On a perusal of the same, it is seen that the authority is inclined to consider the request as and when the appropriate person approaches them. If that is the case, nothing prevents the petitioners from approaching the authority for appropriate permission. One thing, this Court would wish to point out is that when the object of the Writ Petitioners is to remove the Seemakaruvilai trees, thereby to protect the environment and for the welfare of the people, the outlook should be beyond political affiliation. If that is done obviously, the authorities would have no hesitation in authorising removal of Seemakaruvilai trees. No further observations are required in this regard.

7. Accordingly, the Writ Petitions stand disposed of, by directing the petitioners to approach the Soil Conservation Officer, Mettur Soil Conservation Scheme, Project Division, Dharmapuri along with the copy of this order and identify the area, where they propose to remove the Seemakaruvilai trees and on receipt of such proposal, the said authority shall consider the same and issue necessary guidelines for effectively implementing the directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

pbn

To

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The District Superintendent of Police
Dharmapuri District,
Dharmapuri.

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Dharmapuri Taluk
Dharmapuri.

8.The Block Development Officer,
Pallacode Union,
Block Development Office,
Dharmapuri.

+2ccs to M/s.K.Balu,sr.16778,16777

+1cc to Special Government Pleader sr.16907

W.P.No. 38893 and 38894 of 2016

W.M.Ps 33322 of 2016

nr(co)
ss(12/4/2017)

सत्यमेव जयते

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