



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :15.03.2017
CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.16320 of 2015

Navis Rajakumari

.. Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The District Forest Officer,
Dindigul District Forest Office,
Dindigul.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 20.08.2015 and consequently direct the respondents to provide the objection to the Committee constituted under Section 2(A) of the Tamil Nadu Hill Areas (preservation of trees) Act,1955 with regard to the permission for cutting the trees in S.No.753/1B situated in Sirumalai Village, Dindigul Taluk and District.

For Petitioner : Mr.M.Ajmalkhan
For Respondents : Mr.R.Anandharaj
Government Advocate

ORDER

By consent, this writ petition is taken up for final disposal.

2. This writ petition has been filed praying for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 20.08.2015 and consequently direct the respondents to provide the objection to the Committee constituted under Section 2(A) of the Tamil Nadu Hill Areas (preservation of trees) Act,1955 with regard to the permission for cutting the trees in S.No.753/1B situated in Sirumalai Village, Dindigul Taluk and District.

3. The case of the petitioner is that her husband Late.Francis Ignatius Roach owned a land bearing S.No.753/1B measuring to an extent of about 195 acres and the said property originally belonged to Ammayanayakkar Jameen and later, it was vested to his accountant one Vairavanatha Pillai through Patta No.205. Later, the son of Vairavanatha Pillai, one Somasundaram



Pillai acquired the above-said property after his father's death. The said Somasundaram Pillai was in possession and enjoyment of the afore-said property without any interference.

WEB COPY

4. After the demise of the said Somasundaram pillai, the said property devolved upon to his son Poornalingam. Thereafter, the said Poornalingam alienated the said property comprised in S.No.753/1B to one Kovil Pilli who is the petitioner's father-in-law through a registered sale deed dated 18.08.1994 vide document No.1781 of 1984. Subsequently, the said property was partitioned among the legal heirs of the said Kovil Pillai by a settlement deed dated 20.03.2000, in which, the property in S.No.753/1B allotted to the petitioner's husband share. Since then, the husband of the petitioner possessed and enjoyed the property as its absolute owner. In the said premise, the vender of petitioner's father-in-law, viz., poornalingam unilaterally cancelled the sale deed dated 18.08.1994 though such unilateral cancellation is not valid in the eye of law.

5. On the strength of the cancellation deed, the said Poornalingam entered into subsequent illegal sales and the subsequent purchasers also illegally mutated the patta in their name and such mutation taken place even without putting any notice to the petitioner's husband. While so, the petitioner's husband preferred an appeal in Na.Ka.No.7981 of 2012 M5 to cancel the patta granted to the subsequent purchasers and the appeal is also pending without any progress and therefore, her husband filed W.P.(MD). No.6672 of 2014 for a Mandamus directing the Revenue Divisional Officer, Dindigul to complete the proceedings in Na.Ka.No.7981 of 2012 M5 and this Court, by an order, dated 17.04.2014 directed the Revenue Divisional Officer, Dindigul to dispose of the appeal within a period of eight weeks from the date of receipt of the order.

6. Under the said circumstances, suppressing the afore-said fact, it is alleged that one Manuvel Jeyaraj and Gopi obtained an illegal patta for S.No.753/1B and approached the Hill Protection Committee constituted under the Tamil Nadu Hill Areas (Preservation of Tree) Act, 1955 for seeking permission to cut down the trees grown in S.No.753/1B claiming that they are the owner of the property in question and the Committee also forwarded their recommendation to the first respondent herein, who is the Chairman of the Committee.

7. Learned counsel for the petitioner submitted that it would be suffice if the representation of the petitioner is disposed of, within the time stipulated by this Court.

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

8. Learned Government Advocate through his counter affidavit submitted that civil suit is pending between the petitioner and her rival claimants. However, the representation of the petitioner will be considered in accordance with law.



9. Considering the facts and circumstances of the case, without advertent into the merits of the case, the respondents are directed to consider the representation of the petitioner dated 20.08.2015 on merits and in accordance with law, after affording of opportunity of hearing to the petitioner as well as aggrieved parties and pass appropriate orders, in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to enclose a copy of this order along with the copy of the representation already sent to the respondents.

10. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

/TRUE COPY/

Sub Assistant Registrar

To,

1.The District Collector,
Dindigul District, Dindigul.

2.The District Forest Officer,
Dindigul District Forest Office,
Dindigul.

+1 cc to M/R.K.CHENGIZ KHAN, Advocate, SR.NO:15553
+1 cc to M/S.SPECIAL GOVERNMENT PLEADER, SR.NO:15124

SSM

SVA/BS/22.03.2017/3P/5C

W.P(MD)No.16320 of 2015
15.03.2017