



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.[MD].No.12524 of 2017 and
W.M.P. (MD) No.9655 of 2017

R.Sarojini : Petitioner

Vs.

1. The District Collector,
Dindigul District.
 2. The Tahsildar,
Oddanchathiram Taluk,
Dindigul District.
 3. The Assistant Executive Engineer,
Public Works Department Water Resource Organization,
Parapalar Dam Division,
Oddanchathiram, Dindigul.
 4. The Assistant Engineer,
Public Works Department Water Resource Organization,
Parapalar Dam Division,
Oddanchathiram, Dindigul.
- : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from removing trees in the petitioner's land situated in Survey No.99/6, 101 Virupathi Village, Oddanchathiram Taluk, Dindigul District.

For Petitioner : Mr.S.Karthik
For Respondents : Mr.T.S.Mohamed Mohideen,
Additional Government Pleader

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner filed this Writ Petition to restrain the respondents from removing the trees in her property in Survey No.99/6, 101 Virupathi Village, Oddanchathiram Taluk, Dindigul District.



2.The affidavit filed in support of the Writ Petition indicates that even the petitioner has entertained a doubt that the respondents would remove her from the property in question contending that it is a water channel.

3.We direct the third respondent to survey the property in question with the assistance of the second respondent, after issuing notice to the petitioner. In case it is found after such survey that the land absolutely belongs to the Government, it is open to the concerned respondents to initiate action for eviction. The eviction would not confine to the property alone. In case the land belongs to the Government, it is open to the Government to take possession including the coconut trees without entertaining any claim from the petitioner that the coconut trees belong to her. In any case, principles of natural justice shall be followed by the respondents before passing any order in the subject matter. We also make it clear that in case the land is taken possession by the respondents, the trees shall not be cut by them and it shall be preserved.

4.The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District.
2. The Tahsildar,
Oddanchathiram Taluk,
Dindigul District.
3. The Assistant Executive Engineer,
Public Works Department Water Resource Organization,
Parapalar Dam Division, Oddanchathiram, Dindigul.
4. The Assistant Engineer,
Public Works Department Water Resource Organization,
Parapalar Dam Division, Oddanchathiram, Dindigul.

+ 1 CC TO Mr.S.KARTHIK, ADVOCATE IN SR No. 64905
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 65656

SML/MYR

TE/SV/SAR-II : 24/07/2017 : 2P/7C

Order made in
W.P.[MD].No.12524 of 2017 and
W.M.P. (MD)No.9655 of 2017
Dated: 12.07.2017