



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)No.16108 of 2017

and

W.M.P(MD)Nos.12790 & 12791 of 2017

S.Katturajan

... Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

3.The Tahsildar,
Ilayankudi Taluk,
Ilayankudi,
Sivagangai District.

4.Y.Sastha Adhithan

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the Order No.Na.Ka.A4/436/2017 dated 11.07.2017, passed by the 2nd respondent and Order No.Moo.Mu.B2/14108/2017 dated 11.08.2017, passed by the 1st respondent and quash the same and consequently, direct the respondents 1 to 3 to permit the petitioner to cut and remove the Seemaikaruvel trees in the Kanmoi and Odai comprised in Survey No.126/1, 2, 125/6 and 564 in Pukkulam Village, Visavanur Group, Suranur Sub Division, Illayankudi Taluk, Sivagangai District.

For Petitioner : Mr.K.Seemaraj
For Respondents : Mr.C.Selvaraj,
Special Government Pleader
for R.1 to R.3
Mrs.S.Prabha for R.4

ORDER

The petitioner seeks for a Writ of Certiorarified Mandamus, to quash the impugned order passed by the second respondent dated 11.07.2017 and the consequential rejection order passed by the first respondent dated 11.08.2017, on the appeal filed by the petitioner and consequently direct the respondents 1 to 3, to permit the petitioner to cut and remove the Seemaikaruvel trees.



2. Mr.C.Selvaraj, learned Special Government Pleader, takes notice for the respondents 1 to 3 and Mrs.S.Prabha, learned Counsel takes notice for the fourth respondent. By consent, this writ petition is taken up for disposal, at the admission stage itself.

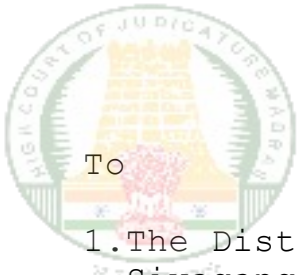
3. According to the petitioner, originally the lease for cutting the Karuvelam trees, in the place in question, was granted in favour of one Yoganathan and the period itself was over by 20.03.2017. It is claimed that on 21.03.2017, the said Yoganathan passed away and subsequently, the said contract/lease came to be issued in favour of the petitioner herein, fixing the outer time limit as 31.07.2017, for completing the contract. It is claimed by the petitioner that he was not allowed to continue the cutting of Karuvelam trees, as permitted. On the other hand, based on the objections raised by the legal heirs of the deceased Yoganathan, whose lease itself was over by 20.03.2017, the lease granted in favour of the present petitioner came to be revoked by the impugned order dated 11.07.2017, which was challenged before the appellate authority and by order dated 11.08.2017, the claim of the petitioner came to be rejected and thus the petitioner is before this Court, questioning the consequential allotment made in favour of the legal heirs of the deceased Yoganathan.

4. A perusal of the impugned orders show that the authority failed to accede with the provisions of the Tamil Nadu Transparencies in Tenders Act, 1998 and bring the matter for re-auctioning, since both the earlier lease period were already over.

5. In view of the foregoing discussions, this writ petition is dismissed, with a direction to the respondents 1 to 3, to conduct a fresh auction, in respect of cutting of Karuvelam trees in Kanmai and Odai comprised in Survey Nos.126/1, 2, 125/6 and 564 in Pukkulam Village, Visavanur Group, Suranur Sub Division, Illayankudi Taluk, Sivagangai District. Both the petitioner as well as the fourth respondent are at liberty to participate in the same. The authorities/respondents 1 to 3, are directed to take immediate steps for auctioning, by way of proper advertisement as well as following the procedures as provided under the Tamil Nadu Transparencies in Tenders Act, 1998. Since the subsequent allotment orders came to be issued without following due process of law as mandated under the Tamil Nadu Transparencies in Tenders Act, 1998, it is made clear that no party should be permitted to cut down the Karuvelam Trees, unless, an auction is conducted by the authorities, fixing the outer time limit by four weeks. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(RTI)



To

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

3.The Tahsildar,
Ilayankudi Taluk,
Ilayankudi,
Sivagangai District.

+1cc to M/S.S.PRABHA, Advocate SR.No.74753

+1cc to M/S.K.SEEMARAJ, Advocate SR.No.74859

+1cc to Special Government Pleader, SR.No. 75061

gk

JS/MR/SAR2:01.09.2017:3P-7C

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