



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.2635 of 2017

and

W.M.P (MD) Nos.2183 & 2184 of 2017

S.L.Sankararaj

.. Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Aruppukkottai Division,
Virudhunagar District.

3.The Tahsildar,
Aruppukkottai Taluk,
Virudhunagar District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the third respondent impugned notification dated 13.02.2017 in Na.Ka.No.A3/31021/2015 and quash the same as illegal, arbitrary and ultra vires and consequently direct the first respondent to issue extended cutting order for removal of Karuvelam trees to the petitioner in pursuant to the proceedings of the first respondent dated 24.05.2010 in Na.Ka.B3/6702/2010.

For Petitioner : Mr.V.Sasikumar

For Respondents : Mr.M.Govindan,
Special Government Pleader.

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the order dated 13.02.2017 passed in Na.Ka.No.A3/31021/2015 by the third respondent and quash the same and also giving necessary direction to the first respondent to extend cutting order for removal of Seemaikaruvelam trees as per proceeding dated 24.05.2010 in Na.Ka.B3/6702/2010, by way of issuing a Writ of Certiorarified Mandamus.



2.The learned Special Government Pleader appearing for the respondents has contended to the effect that with regard to removal of Seemaikaruvelam trees, an auction notice has been issued by the third respondent and no auction has been conducted.

3.Considering the fact that as per auction notice dated 13.02.2017 issued by the third respondent no auction has been conducted, the relief sought in the Writ Petition has become infructuous and further the petitioner has sought the relief of getting extension of cutting order in pursuance of the order passed by the first respondent in the year 2010.

4.Considering the nature of the order passed in W.P(MD)No.16485 of 2015 and also considering the fact that the auction notice has become infructuous, this Court is not inclined to grant any of the reliefs sought in the Writ Petition and altogether the same is liable to be dismissed.

5.In fine, this Writ Petition is dismissed without costs. However, the third respondent is directed to take appropriate action for removal of Seemaikaruvelam trees from the place mentioned in the petition as early as possible. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar District, Virudhunagar.
2. The Revenue Divisional Officer,
Aruppukkottai Division,
Virudhunagar District.
3. The Tahsildar,
Aruppukkottai Taluk,
Virudhunagar District.

+1 cc to Special Government Pleader, SR.No. 53100

ORDER MADE IN

W.P(MD)No.2635 of 2017 and

W.M.P(MD)Nos.2183 & 2184 of 2017

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