



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.07.2017

CORAM:

WEB COPY

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

W.P. (MD) No.3657 of 2017
and
W.M.P. (MD) .No.2938 to 2940 of 2017

M.Thirupathi .. Petitioner

Vs.

1.The Principal Chief Conservative Officer,
Department of Forest,
Panagal Maligai, Saidapet,
Chennai 600 015.

2.The District Forest Officer,
Ramanathapuram District,
Ramanathapuram.

3.The Superintending Engineer,
Public Works Department,
Ramanathapuram.

4.Singadurai .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the impugned work order passed under Na.Ka.471/2017/Ka, dated 16.02.2017, on the file of the second respondent herein and to quash the same as illegal and undervalued and direct the second respondent to acution the " Nattu-Karuvelam Trees" laying in 2005 Vennathru Tank, Ramanathapuram District coming under the ambit of the second respondent herein by following the due process of law.

For petitioner : Mr.K.R.Laxman

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



O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

WEB COPY

This Writ Petition has been filed questioning the work order dated 16.02.2017, issued by the second respondent in favour of the fourth respondent. The work order pertains to cutting of Karuvella trees in Vennathur Kanmoi in R.S. Mangalam Forest Range. The fourth respondent was declared as the successful bidder.

2. In this writ petition, the writ petitioner contended that the Karuvella Trees are worth about Rs.3,25,000/- and that auctioning them for a sum of Rs.2,29,707/- is detrimental to public interest.

3. Though notice was ordered, the fourth respondent did not choose to enter appearance. This Court appointed an Advocate Commissioner to find out the value of the trees. The Advocate Commissioner filed her report dated 18.07.2017 and the same is taken on record. It has been mentioned in the said report that the actual sale value of the trees was fixed at Rs.2,91,072.50 and that the fourth respondent paid a sum of Rs.1,00,000/- on 16.02.2017, the date of auction.

4. The learned counsel for the writ petitioner stated that the writ petitioner would pay a sum of Rs.3,40,000/-. Since what is offered by the writ petitioner is Rs.47,000/- more than what has been offered by the fourth respondent, we are inclined to set aside the work order dated 16.02.2017 issued in favour of the fourth respondent and direct the second respondent to issue fresh work order in favour of the writ petitioner. Such work order will be issued upon the writ petitioner paying the said sum of Rs.3,40,000/-, as agreed before this Court. The work order issued in favour of the fourth respondent should stipulate that he should remove the trees within a period of 30 days from the date of issuance of the work order. The writ petitioner is entitled to take up the work on the same terms offered in favour of the fourth respondent. Upon receipt of the said sum of Rs.3,40,000/- from the writ petitioner, the second respondent herein is directed to repay the sum of Rs.1,00,000/-, remitted by the fourth respondent.

5. The work order, dated 16.02.2017 issued in favour of the fourth respondent by the second respondent is quashed and the writ petition is allowed on the terms indicated above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T&P)



To:

1.The Principal Chief Conservative Officer,
Department of Forest,
Panagal Maligai, Saidapet,
Chennai 600 015.

2.The District Forest Officer,
Ramanathapuram District,
Ramanathapuram.

3.The Superintending Engineer,
Public Works Department,
Ramanathapuram.

+One cc to Mr.K.R.Laxman, Advocate, SR.No.66707

+One cc to The Special Government Pleader, SR.No.67009

dsk/mm/sss

RL/6C/3P/SKN/RSK/SAR1/3/8/2017

ORDER MADE IN

W.P. (MD) No.3657 of 2017

20.07.2017