



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P(MD)No.4010 of 2017
and
W.M.P(MD)No.3189 of 2017

R.Suvisesamuthu

.. Petitioner

Vs.

1.The District Collector,
Tuticorin District.

2.The Deputy Director of Health Services,
Tuticorin.

3.The Tahsildar,
Sathankulam Taluk,
Tuticorin District.

4.Mrs.Glory Ammal

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the standing karuvella trees belongs to the fourth respondent situated in Re-Survey No.278/2A of an extent of 23 cents in the middle portion out of 69 cents, Kattarimangalam Post, Sathankulam Taluk, Tuticorin District by considering the communication dated 13.06.2013 of the second respondent and representation dated 25.02.2017 of the petitioner within stipulated period in accordance with law.

For Petitioner

: Mr.S.Siva Thilakar

For Respondents 1 to 3

: 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 direct the respondents 1 to 3 to remove Seemaikaruvella trees in Re-Survey No.278/2A, Kattarimangalam Post, Sathankulam Taluk, Tuticorin District and hand over the same to the fourth respondent, by way of issuing a writ of mandamus.



2.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents 1 to 3. Considering the nature of the relief sought in the petition, notice need not be sent to the fourth respondent.

3.The learned counsel appearing for the petitioner has contended to the effect that the fourth respondent has refused to remove Seemaikaruvelam trees which are in existence Re-Survey No.278/2A and further the respondents 1 to 3 have not yet removed the same and under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

4.The learned Special Government Pleader appearing for the respondents 1 to 3 has contended to the effect that the third respondent has issued a notice to the fourth respondent on 22.02.2017 and accordingly the fourth respondent has made appearance and given a requisition to the effect that prior to 15.03.2017, she undertakes to remove all trees.

5.Considering the requisition given by the fourth respondent and also considering the proceeding already taken by the third respondent, the present writ petition is totally unwarranted and the same deserves to be dismissed.

6.In fine, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.
sd/-

Assistant Registrar(CS I)

/True copy/

Sub Assistant Registrar

To

1.The District Collector, Tuticorin District.

2.The Deputy Director of Health Services,Tuticorin.

3.The Tahsildar,
Sathankulam Taluk,
Tuticorin District.

+1cc to Mr.S.Sivathilakar, Advocate SR.No.13212

+1cc to special Government Pleader Sr.No.13442

smn

sm:RR:16.3.2017:2P/6c

ORDER MADE IN
W.P (MD) No.4010 of 2017
and
W.M.P (MD) No.3189 of 2017
08.03.2017