



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **17.03.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**

and

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.P (MD) No.4499 of 2017

Mangathayammal

.. Petitioner

Vs.

1.The District Collector,
Madurai.

2.The Block Development Officer,
Chellampatti Panchayat Union,
Usilampatti Taluk, Madurai District.

3.The Thasildhar,
Usilampatti Taluk, Madurai District.

4.Saroja

5.Jeyaseelan

6.Saravanan

7.Rajeswari

.. 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 Seemai Karuvelam Trees in the properties comprised in S.No.178/6A to an extent of eastern 40 cents out of the total extent of 63 cents, S.No.177/2A to an extent of eastern 1 acre 60 cents out of the total extent of 3 acres 74 cents situated at Karumathur Village, Chekkanoorani Sub District, Madurai, within a stipulated time.

For Petitioner

: Mr.R.G.Shankar Ganesh

For Respondents 1 and 3

: Mr.M.Govindan,
Special Government Pleader.

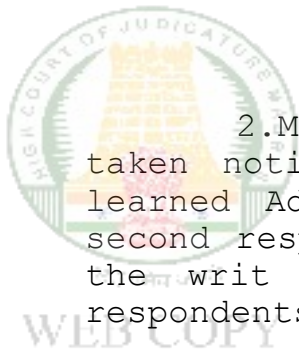
For Respondent No.2

: Mr.V.Muruganandam,
Additional 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 Seemaikaruvelam Trees which are in existence in Survey Nos.178/6A and 177/2A, Karumathur Village, Chekkanoorani Sub District, Madurai, by way of issuing a writ of mandamus.



2.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents 1 and 3 and Mr.V.Muruganandam, learned Additional Government Pleader, has taken notice for the second respondent. Considering the nature of the relief sought in the writ petition, notice need not be sent to the remaining respondents.

3.The learned counsel appearing for the petitioner has contended to the effect that in between the petitioner and respondents 4 to 7, some civil suits are pending and under the said circumstances they are not allowing the petitioner to remove Seemaikaruvelam Trees which are in existence in the survey numbers mentioned in the petition and therefore the present writ petition has been filed for getting the relief sought therein.

4.Considering the nature of civil dispute that exists between the petitioner and the respondents 4 to 7 and also considering the order passed in W.P(MD)No.16485 of 2015, this Court is of the view to direct the second respondent to remove Seemaikaruvelam Trees which are in existence in Survey Nos.178/6A and 177/2A.

5.In fine, this writ petition is allowed without costs and the second respondent is directed to remove Seemaikaruvelam Trees which are in existence in Survey Nos.178/6A and 177/2A, Karumathur Village, Chekkanoorani Sub District, Madurai, within a period of fifteen days. The second respondent is entitled to collect the cost of removal from the concerned person as indicated in the orders passed in W.P(MD)No.16485 of 2015.

SD/-
ASSISTANT REGISTRAR(CO)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

- 1.The District Collector,
Madurai.
- 2.The Block Development Officer,
Chellampatti Panchayat Union,
Usilampatti Taluk, Madurai District.
- 3.The Thasildhar,
Usilampatti Taluk,
Madurai District.

+1 CC TO SPECIAL GOVERNMENT PLEADER, SR NO.15807
+1 CC TO MR.R.G.SHANKAR GANESH, ADVOCATE, SR NO:16004

SMN
MAS/SV-MMS/SAR2:23.03.2017:2P-6C