



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD) No.15220 of 2016

WEB COPY

A.Sathianesan

... Petitioner

-vs-

1. The District Forest Committee,
Rep. by its Chairman/the District Collector,
Kanyakumari District.
2. The District Forest Officer,
O/o.District Forest Officer,
Nagercoil, Kanyakumari District.
3. The Tahsildar,
Vilavancode Taluk,
Kuzhithurai, Kanyakumari District.
4. The Assistant Executive Engineer,
Agricultural Engineering Department,
22-31, A.Tharkar Road, Mettukadai,
Thakkalai-629 175, Kanyakumari District. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondent No.3 to issue possession certificate to the petitioner for the property in Plot No.4, Survey No.342, Kadayal Village, Vilavancode Taluk, Kanyakumari District and for a consequential direction directing the respondent no.1 to grant cutting order to the petitioner for cutting the Kadama Tree situated in Plot No.4, Survey No.342, Kadayal Village, Vilavankode Taluk, Kanyakumari District by considering the application of the Petitioner dated 05.05.2015 sent on 16.05.2015. Within the time period stipulated by this Court.

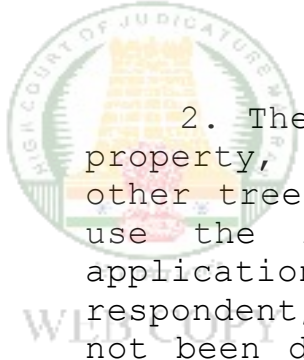
For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.S.Kumar

Addl. Govt. Pleader

ORDER

This writ petition has been filed, seeking to direct the respondent No.3 to issue possession certificate to the petitioner and for a consequential direction to the respondent no.1 to grant cutting order to the petitioner for cutting the Kadama Tree situated in Plot No.4, Survey No.342, Kadayal Village, Vilavankode Taluk, Kanyakumari District by considering the application of the Petitioner dated 05.05.2015 sent on 16.05.2015.



2. The case of the petitioner is that he is the owner of the property, in which, he has cultivated Kadamba Tree along with other trees and since he wanted to cut the Kadamba Tree so as to use the land for his own purpose, the petitioner made an application dated 05.05.2015 (sent on 16.05.2015) to the 1st respondent, seeking permission to cut the tree and the same has not been disposed of till date. The petitioner would submit that as the 3rd respondent has not issued him the possession certificate, he is unable to obtain a suitable order from the 1st respondent for cutting down the tree from his patta land, which necessitated the petitioner to file this petition with the above prayer.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for respondents.

4. It is seen that the petitioner submitted an application in the prescribed format dated 05.05.2015 to the 1st respondent seeking permission to cut down a Kadamba Tree, who, in turn sought for a report from the 4th respondent in respect of the request made by the petitioner. The 4th respondent, vide communication dated 24.06.2015 requested the petitioner to furnish certain documents and the Possession Certificate, which has to be issued by the 3rd respondent/Tahsildar. Therefore, the petitioner sent a representation dated 29.07.2015 to the 3rd respondent for issuance of Possession Certificate and the same has been kept pending by the 3rd respondent for quite a long time.

5. Under such circumstances, this Court, without going into the merits of the matter, directs the 3rd respondent to consider the representation dated 29.07.2015 of the petitioner and pass necessary orders with regard to issuance of possession certificate so as to enable the petitioner to proceed further in the matter, within a period of six weeks from the date of receipt of a copy of this order. The petitioner is also directed to produce relevant documents to the 3rd respondent enabling the 3rd respondent to expeditiously take a decision thereon. It goes without saying that after production of the possession certificate by the petitioner, his request for passing necessary orders by the 1st respondent on the application dated 05.05.2015 for cutting down the Kadamba Tree shall be proceeded with thereafter.

6. With the above direction, this petition is disposed of. No costs.

Sd/-

Assistant Registrar(Protocol)

/ True Copy /

Sub Assistant Registrar(C.S.)



To

1. The District Forest Committee,
Rep. by its Chairman/the District Collector,
Kanyakumari District.
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4. The Assistant Executive Engineer,
Agricultural Engineering Department,
22-31, A.Tharkar Road, Mettukadai,
Thakkalai-629 175, Kanyakumari District.

+1cc to M/S.T.LAJAPATHI ROY, Advocate SR.No.64485

+1cc to Special Government Pleader, SR.No.64682

rm/ar

MAS/KP/SAR3:19.07.2017:3P-7C

W.P. (MD) No.15220 of 2016
10.07.2017