



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.6924 of 2017

S.Chinnasamy

... Petitioner

-vs-

- 1.The District Collector,
O/o. District Collectorate,
Ramanathapuram District,
Ramanathapuram.
- 2.The Thasildar,
Paramakudi Taluk,
Ramanathapuram District.
- 3.The District Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 4.The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi,
Ramanathapuram.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the Respondents to permit the petitioner to remove the Seemai Karuvelam Trees which are standing in S.No.38/2 extent of 2 acre 80 cents located at Kamuthakudi Village, Paramakudi Taluk, Ramanathapuram District by considering the representations dated 05.04.2017 and 10.04.2017 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.VR.Shanmuganathan
Special Government Pleader

O R D E R

(Order of the Court by M.M.SUNDRESH, J.,)

This Writ Petition has been filed to direct the Respondents to permit the petitioner to remove the Seemai Karuvelam Trees which are standing in S.No.38/2 extent of 2 acre 80 cents located at Kamuthakudi Village, Paramakudi Taluk, Ramanathapuram District by considering the representations dated 05.04.2017 and 10.04.2017 within a time frame.



2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The prayer sought for in the writ petition cannot be granted for two reasons. Firstly, for cutting the Seemaikaruvelam Trees standing in a private property no permission is required. Secondly, there was a dispute between the petitioner and the proposed third party, not impleaded till now, which has resulted in civil Court decree being granted. Thus, the remedy open to the petitioner is to execute the decree, if so desired.

4. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

/ True Copy /

Sub Assistant Registrar(C.S.)

To:

1. The District Collector,
O/o. District Collectorate,
Ramanathapuram District, Ramanathapuram.
2. The Thasildar,
Paramakudi Taluk, Ramanathapuram District.
3. The District Superintendent of Police,
Ramanathapuram District, Ramanathapuram.
4. The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi, Ramanathapuram.

+1cc to M/S.T.LAJAPATHI ROY, Advocate SR.No.67360

sj

MAS/SKN-RSK/SAR4:01.08.2017:2P-6C

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