



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) Nos.21871 to 21877 of 2016

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|--------------|--|
| 1. Yesudhas | ... Petitioner in W.P.(MD) 21871 of 2016 |
| 2. Alexander | ... Petitioner in W.P.(MD) 21872 of 2016 |
| 3. Pramod | ... Petitioner in W.P.(MD) 21873 of 2016 |
| 4. Rajan | ... Petitioner in W.P.(MD) 21874 of 2016 |
| 5. Shantha | ... Petitioner in W.P.(MD) 21875 of 2016 |
| 6. Ramayan | ... Petitioner in W.P.(MD) 21876 of 2016 |
| 7. Kanagaraj | ... Petitioner in W.P.(MD) 21877 of 2016 |

-vs-

- | | |
|--|------------------------|
| 1. The Conservative Officer,
Forest Department,
Chennai. | |
| 2. The District Collector,
Kanyakumari District,
Nagercoil. | |
| 3. The Assistant Executive Engineer,
Agricultural Engineering Department (Public),
22-31/A, Dharga Road,
Mettukadai, Thackalay - 629 175,
Nagercoil, Kanyakumari District. | ... Common Respondents |

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to permit the petitioners to replant the rubber trees after cut and remove the trees available in the petitioners' land in Sy.No.3074 in Surulode Village, Kalkulam Taluk, Kanyakumari District.

For Petitioners

: Mr.V.M.Balamohan Thampi

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents

: Mr.S.Kumar

Addl. Govt. Pleader

**C O M M O N O R D E R**

These writ petitions have been filed, seeking a direction to the respondents to permit the petitioners to replant the rubber trees after cut and remove the trees available in the petitioners' land in Sy.No.3074 in Surulode Village, Kalkulam Taluk, Kanyakumari District.

2. Heard the learned counsel on either side.

3. The case of the petitioners is that pursuant to the decrees passed in O.S.Nos.322 of 1982, 382 of 1982, 308 of 1982, 358 of 1982, 292 of 1982, 294 of 1982 and 324 of 1982 respectively on the file of the District Munsif Court, Padmabhapuram, the petitioners herein filed A.S.Nos.55 of 1994, 67 of 1994, 65 of 1994, 66 of 1994, 59 of 1994, 69 of 1994 and 68 of 1994 before the learned Sub Court, Padmanabhapuram and the same were decided in favour of the petitioners. It is the further case of the petitioners that based upon the said judgments passed in the Appeal Suits, the petitioners submitted an application dated 17.02.2016 to the respondents 1 and 2, which was duly forwarded to the third respondent on 29.02.2016 for suitable action. The third respondent, after receipt of the application, issued notice to the petitioners, directing them to produce all the relevant documents relating to the property to substantiate their title over the property.

4. It is submitted by the petitioners that though they appeared in person and produced necessary documents in support thereof, on 22.03.2016, the third respondent sent a reply to the petitioners stating that the property in question is notified as Private Forest. Thereafter, the petitioners satisfied the third respondent by way of yet another reply, indicating the actual position, namely, the property is not a private forest and not notified in the Gazette Notification. Even then, the respondents, more particularly, the third respondent have neither given any permission to cut and remove the trees grown in the said property so as to replace rubber trees in its place, nor passed further orders. Aggrieved by the same, the petitioners are before this Court with the above prayer.

5. At this juncture, the learned Additional Government Pleader would submit that if a reasonable time is granted to the respondents, more particularly the second respondent, the application of the petitioners will be considered and suitable orders passed thereon after going through the documentary evidences produced by the petitioners.

<https://hcservices.ecourts.gov.in/hcservices/>

6. In view of the above submission, these petitions are disposed of, directing the second respondent to consider the



application of the petitioners dated 17.02.2016 and pass appropriate orders thereon within a period of six weeks from the date of receipt of a copy of this order. No costs.

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Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The Conservative Officer,
Forest Department,
Chennai.
2. The District Collector,
Kanyakumari District,
Nagercoil.
3. The Assistant Executive Engineer,
Agricultural Engineering Department (Public),
22-31/A, Dharga Road,
Mettukadai, Thackalay - 629 175,
Nagercoil, Kanyakumari District.

+1cc to M/S. V.M.BALA MOHAN THAMPI, Advocate, SR.No.77130.

+1cc to Special Government Pleader, SR.No.77318.

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06.09.2017

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SDS/RSK/SAR 1/15.09.2017/3P/6C