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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 07.07.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A. (MD) No.410 of 2013

and

M.P (MD) .No.1 of 2013

K.Narayanan

... Appellant

Vs.

1.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Ilayankudi Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order passed by this Court, dated 19.03.2013 in W.P.(MD) No.8977 of 2009.

Prayer in WP (MD) . 8977/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified mandamus, calling for the records relating to the impugned memo issued by the 1st respondent in his proceedings O.Mu.A4.4701/09 dated 05/08/09 and quash the same as illegal and consequently to direct the respondents to permit the petitioner to cut the Julie Flora trees as per the auction notification dated 26/08/2008.

For Appellant

: Mr.P.Thiagarajan

For Respondents

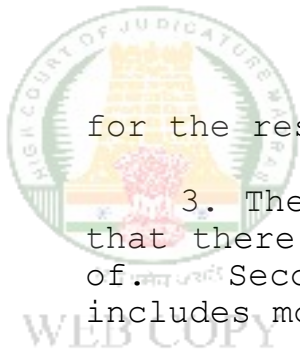
: Mr.M.Murugan

Government Advocate

JUDGMENT

[Judgment of the Court was delivered by **M.M.SUNDRESH, J.**]

This writ appeal has been filed challenging the order of the learned Single Judge, who upheld the order passed by the first respondent rejecting the request of the petitioner to include more area than the one confirmed in his favour.



for the respondents.

3. The learned counsel appearing for the appellant would submit that there was a prior representation which has not been taken note of. Secondly, it is submitted that the auction Notification includes more extent.

4. We do not find any merit in this appeal. There is nothing on record to show the prior representation made. Secondly, the confirmation order specifically states about the actual extent. Having accepted the confirmation order and then the cutting order, it is not open to content to the contrary. Thus, we do not find any error in the order passed by the learned Single Judge, who has given a factual finding that there is no discrepancy in the auction Notification and the confirmation order with respect to the extent of the area for which the auction was notified. Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Ilayankudi Taluk,
Sivagangai District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. NO.64403
+1cc to Mr.P.THIAGARAJAN Advocate in SR. No.64097

SSS/AKV
JS/MR.KKR/SAR.2/21.7.2017/2P-5C

W.A. (MD) No.410 of 2013
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