

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 19455 of 2017

&

W.M.P. 20980 of 2017

V.Kanniyappan

... Petitioner

Vs

- 1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Revenue Divisional Officer,
Thiruvannamalai District,
Thiruvannamalai.
3. The Tahsildar,
Vandavasi Taluk,
Thiruvannamalai District.
4. The Block Development Officer,
Thellar Panchayat Union,
Thiruvannamalai District.
5. The Special Officer,
Kilputhur Village Panchayat,
Vandavasi Taluk,
Thiruvannamalai District.

.. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the representation dated 21.09.2016 and to pass orders for granting permission to the petitioner for removal of karivelam trees in S.No.21, Kilputhur Village, Vandavasi Taluk, Thiruvannamalai District and to renovate the Kannikoil temple located in Survey No.21 from the sale proceeds of Karivelam trees as resolved by the 5th respondent Village Panchayat as per the Resolution No.7 dated 06.01.2016 within a time frame to be fixed.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.N.Sakthivel,
Addl. Government Pleader
for R1 to R4

O R D E R

Heard M/s.G.Sankaran, learned counsel for the petitioner and Mr.N.Sakthivel, learned Additional Government Pleader for Respondents 1 to 4.

2. The petitioner has filed the present Writ Petition seeking for a direction to consider the petitioner's representation dated 21.09.2016. According to the petitioner, the land in Survey No. 21, having an extent of 0.63.0 Ares belongs to one Kannikoil temple and the petitioner's family is maintaining the temple for time memorial. Since the temple is in a dilapidated condition and fell down, the first respondent passed a resolution on 10.02.2006 permitting the petitioner to renovate and maintain the temple and also to send proposal to Revenue Department to issue patta for the temple.

4. Subsequently, in the year 2012, the petitioner has submitted a representation to the authority to remove the 'karuvelam' trees standing therein. Based on his representation, the 2nd respondent Revenue Divisional Officer directed the Tahsildar, the 3rd respondent to conduct enquiry and submit a report to him. Consequently, the 3rd respondent also issued proceedings dated 29.04.2016 addressing to the Range Officer of Forest Department to assess the value of trees standing therein. On the basis of the report received from the Range Officer of the Forest Department, the 3rd respondent forwarded the proposal to the 2nd respondent as per the proceedings in Lr.No.B3/2413/2016, dated 13.07.2016 to permit the petitioner to conduct auction. Despite the proposal, the 2nd respondent did not pass any order. In the above circumstances, the present Writ Petition has been filed by the petitioner.

5. On considering the facts that already the proposal was sent by the 3rd respondent Tahsildar to the 2nd respondent, the 2nd respondent is hereby directed to consider the proposal and pass suitable orders on merits and in accordance with law within a period of eight weeks from the date of receipt of this order.

6. With the above direction, the writ petition stands disposed of. Consequently, the Miscellaneous Petition in W.M.P. No.20980 is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Revenue Divisional Officer,
Thiruvannamalai District,
Thiruvannamalai.
3. The Tahsildar,
Vandavasi Taluk,
Thiruvannamalai District.
4. The Block Development Officer,
Thellar Panchayat Union,
Thiruvannamalai District.
5. The Special Officer,
Kilputhur Village Panchayat,
Vandavasi Taluk,
Thiruvannamalai District

+1cc to Mr.G.Sankaran, Advocate, S.R.No.54181

+1cc to the Government Pleader, S.R.No.54417 & 54273

W.P.No.19455 of 2017
and
W.M.P. 20980 of 2017

GSP(05/09/2018)

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