

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 03.08.2018****CORAM :****THE HONOURABLE MR.JUSTICE C.T.SELVAM****And****THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED****W.P(MD)No.3917 of 2018****and****WMP(MD)Nos.4071 & 7629 of 2018**

M.Ayothi

... Petitioner

vs.

1. The District Collector,
Sivagangai,
Sivagangai District.

2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

3. The Tahsildhar,
Thiruppuvanam Taluk,
Sivagangai District.

4. Mr.S.Akbar

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 not to extend the time for cutting Semai Karuvelam trees in Survey No.41/2, 41/3A, 226/22 to an extent of 165.63.5 hectares of T.Nelmudikarai Kanmai and in Survey No.54/1, 55/5 to an extent of 43.43.5 hectares of Panagulam Kanmai, at Thiruppuvanam Taluk, Sivagangai District and consequently for a direction directing the Respondents to conduct the fresh auction separately in T.Nelmudikarai Kanmai and Panagulam Kanmai situated at Thiruppuvanam Taluk, Sivagangai District within the time stipulated by this Court.

For Petitioner

: Mr.T.Lajapathi Roy

For R1 to R3

: Mr.R.Sethuraman

Special Government Pleader

For R4

: Mr.Jayarutharan

for Mr.K.Prabhu

**ORDER****(Order of the Court was made by C.T.SELVAM, J.)**

The Writ Petition has been moved informing wrongful conduct on the part of the fourth respondent and repeated wrongful indulgence by the official respondents towards him, in extending periods for cutting of Velikaruvelam trees pursuant to the fourth respondent having been the successful bidder in an auction.

2.The affidavit of the petitioner inter-alia informs at paragraph No.10 that the respondent No.2 had passed an order requiring the fourth respondent to pay a sum of Rs.8,64,000/- as a fine for illegally cutting and transporting Nattu Karuvelam trees. The affidavit affirms that the respondent No.4 had paid the said fine.

3.The learned counsel appearing on behalf of the fourth respondent informs that the said allegation is totally false and that such levy of fine had been challenged by the fourth respondent in W.P.(MD)No.5919 of 2018, wherein under order dated 22.03.2018, this Court, had allowed the writ petition observing as follows:-

"4.The learned Special Government Pleader appearing for the respondents submitted that based on the complaint given by the Village Administrative Officer, inspection was conducted by the Tahsildar and on inspection, it was found that the petitioner has cut and removed the karuvelam trees in violation of the tender conditions. Hence, the penalty was imposed.

5.A perusal of the order passed by the second respondent, it could be seen that the impugned order has been passed without issuing notice and without conducting enquiry, whatsoever. On that ground, the impugned order is liable to be set aside, accordingly, the impugned order is set aside, and the matter is remanded back to the second respondent and the second respondent is directed to issue a show cause notice to the petitioner calling for his objections, and thereafter, conduct enquiry and pass suitable orders on merits and in accordance with law.

6.With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed."

4.Given the above position, this Court does not consider it appropriate to any further entertain this writ petition, which is presented as a Public Interest Litigation. Accordingly, this Writ Petition shall stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-II)



To

1. The District Collector,
Sivagangai,
Sivagangai District.

WEB COPY

2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

3. The Tahsildhar,
Thiruppuvanam Taluk,
Sivagangai District.

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.77411

+1cc to M/s.Isaac chambers Sr.No.77245

+1cc to Spl.Government Pleader Sr.No. 77442

RJ2

VB/RP/SAR2/23/08/2018/3P/7C

**Order made in
W.P (MD) No.3917 of 2018
03.08.2018**