



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN**

W.P.(MD)No.5919 of 2018

and

W.M.P.(MD)Nos.5797 and 5798 of 2018

S.Akbar

... Petitioner

-Vs-

1.The District Collector,  
District Collectorate Office,  
Sivagangai, Sivagangai District.

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

3.The Tahsildar,  
Thiruppuvanam Taluk,  
Sivagangai District.

4.The Divisional Forest Officer,  
The Divisional Forest Office,  
Social Forest Division,  
Collectorate Campus,  
Sivagangai District.

... Respondents

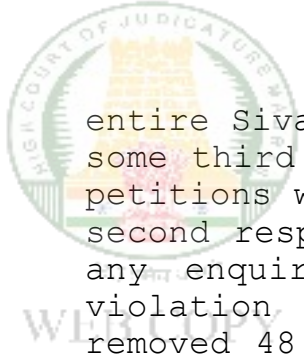
PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings issued by the second respondent Revenue Divisional Officer, Sivagangai District in Na.Ka.A2/5433/2017 dated 06.12.2017 (not furnished to the petitioner till date) and quash the same.

|                 |                                                         |
|-----------------|---------------------------------------------------------|
| For Petitioner  | : M/s.AR.Jeya Rhuthran                                  |
| For Respondents | : Mrs.J.Padmavathi Devi,<br>Special Government Pleader. |

ORDER

This writ petition has been filed, challenging the order passed by the second respondent imposing penalty of Rs.8,64,000/- (Rupees Eight Lakh Sixty Four Thousand Only) for cutting and removing 45 tons of "Nattukkaruvela" trees.

2.According to the petitioner, he is a registered contractor in the Social Forestry Division, and he was awarded with permission to cut and remove the karuvelam trees in the social forest lands in



entire Sivagangai District to an extent of 25.32 Hectares. Earlier, some third parties were interfered with his right, and several writ petitions were filed before this Court. Now, all of the sudden, the second respondent without issuing any notice and without conducting any enquiry, passed the impugned order on the ground that in violation of the tender conditions, the petitioner has cut and removed 48 tons of karuvelam trees. Hence, he was directed to pay the penalty.

3.The learned counsel for the petitioner submitted that the impugned order has been passed without issuing any notice and without conducting enquiry whatsoever.

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.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

- 1.The District Collector,  
District Collector Office, Sivagangai, Sivagangai District.
  - 2.The Revenue Divisional Officer,  
Sivagangai, Sivagangai District.
  - 3.The Tahsildar, Thiruppuvanam Taluk, Sivagangai District.
  - 4.The Divisional Forest Officer,  
The Divisional Forest Office, Social Forest Division,  
Collectorate Campus, Sivagangai District.
- +One cc to M/s.Isaac Chambers, Advocate, SR.No.57581  
+One cc to The Special Government Pleader, SR.No.57568

Myr