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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2018

CORAM:

THE HONOURABLE **MR. JUSTICE M. GOVINDARAJ**

W.P. (MD) No.13455 of 2018

and

W.M.P. (MD) No.12269 of 2018

T.Jasmin Thomas

... Petitioner

/vs./

1. The Principal Chief Conservator of Forest,
(Protection and Vigilance),
Panagal Maaligai,
Saidapet,
Chennai 600 015.
2. The District Hill Areas Preservation of Trees Committee,
Represented by its Chairman cum District Collector,
Kanyakumari,
Kanyakumari District.
3. The District Forest Officer,
O/o.The District Forest Officer,
Vadasery,
Nagercoil,
Kanyakumari District.

4.C.Appukuttan

5.C.R.Gandhi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents No.2 and 3 to forbear the Respondent No.4 and 5 from cutting and removing the standing trees in petitioner's property situated in S.No.775/1, Azhagiyapandiapuram Village, Thovalai Taluk, Kanyakumari District and consequently initiate appropriate action against the respondents 4 and 5 under the Tamil Nadu Hill Areas (Preservation of Trees) Act 1955 within the time period stipulated by this Court.

For Petitioner

: Mr.T.Lajapathi Roy

For R-1to R-3

: Mr.V.Anand

Government Advocate

O R D E R

Mr.V.Anand, learned Government Advocate, takes notice on behalf of the respondents 1 to 3.



2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner is the owner of the portion of land in Azhagiyapandiapuram Village, Thovalai Taluk, Kanyakumari District. The said village is notified as hill area under G.O.Ms.No.49, Housing and Urban Development (UD2.2) Department, dated 24.03.2003. As per Tamil Nadu Hill Ares (Preservation of Trees) Act, 1955, one should get permission from the committee for cutting trees. But, the respondents 4 and 5 are cutting trees without getting permission. Hence, she seeks a direction to restrain the fourth and fifth respondents from cutting and removing the standing trees in her property in S.No.775/1, Azhagiyapandiapuram Village, Thovalai Taluk, Kanyakumari District.

4. The learned counsel appearing for the petitioner would also submit that the fourth and fifth respondents have filed a suit for declaration of title and the same is pending.

5. In that event, it is open to the petitioner to approach the civil Court for getting appropriate relief. Even though this writ petition is not maintainable, the complaint is of serious nature affecting the ecology of the hill area. A statutory duty is cast upon the respondents to preserve the trees, which are playing very vital role maintaining eco balance. In such circumstances, the respondents 1 to 3 are duty bound to consider the representation of the petitioner dated 17.05.2018 and find out the factum of violations, if any. Hence, a direction is issued to the respondents to enquire into the violations alleged by the petitioner after due notice to the parties concerned and pass order, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(w)

/True Copy/

Sub Assistant Registrar

To:

1. The Principal Chief Conservator of Forest,
(Protection and Vigilance),
Panagal Maaligai,
Saidapet,
Chennai 600 015.



2. The District Hill Areas Preservation of Trees Committee,
Represented by its Chairman cum District Collector,
Kanyakumari,
Kanyakumari District.

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3. The District Forest Officer,
O/o.The District Forest Officer,
Vadasery,
Nagercoil,
Kanyakumari District.

Sm

VB/PN/SAR4/12.07.2018/3P/4C

Order made in
W.P. (MD) No.13455 of 2018
25.06.2018