



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2018

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23549 of 2018

P.Chinnaiah

... Petitioner

Vs.

1.The District Collector,
Pudukkottai,
Pudukkottai District.

2.The Tahsildar,
Ponnamaravathy,
Pudukkottai,
Pudukkottai District.

3.The Block Development Officer,
Ponnamaravathy Panchayat,
Pudukkottai,
Pudukkottai District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner, dated 19.11.2018 and issue necessary direction to his subordinates to cut the Tamarind Tree fell down in the petitioner's house in Survey No.87/43, situated at Mela Mela Nilai Circle, T.Malampatty, Ponnamaravathy Taluk, Pudukkottai District, within a time frame to be fixed by this Court.

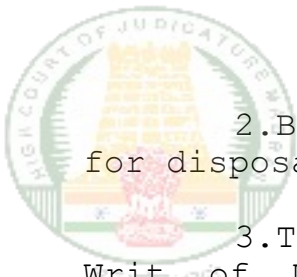
For Petitioner : Mr.G.Mathavan

For R1 and R2 : Mr.S.Dhayalan
Government Advocate

For R3 : Mr.VR.Shanmuganathan
Special Government Pleader

ORDER

Mr.S.Dhayalan, learned Government Advocate takes notice for the respondents 1 and 2 and Mr.VR.Shanmuganathan, learned Special Government Pleader takes notice for the third respondent.



2.By consent of both parties, the Writ Petition is taken up for disposal at the admission stage itself.

3.This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner, dated 19.11.2018, and issue necessary direction to his subordinates to cut the Tamarind Tree fell down in the petitioner's house in Survey No.87/43, situated at Mela Mela Nilai Circle, T.Malampatty, Ponnamaravathy Taluk, Pudukkottai District, within a time frame to be fixed by this Court.

4.The case of the petitioner is that the Revenue Authorities had issued Patta to his wife for S.No.87/43 under Zero Balance Land Scheme and adjacent property also stands in his name. In S.No.87/43, the petitioner has constructed a small roof tiled house. In front of the said house, a 100 years old Tamarind Tree was in existence and on 16.11.2018 during Gaja Cyclone, the said Tree had fallen down on his house and when he tried to cut the said Tree, due to previous enmity, the Village people opposed the petitioner and also prevented him to cut the said Tree. Therefore, the petitioner has approached the first respondent on 19.11.2018 in person with a request to issue necessary direction to his subordinates to cut the abovesaid Tree. Even in spite of the assurance given by the first respondent's officials that they will take necessary action, till date, no permission has been given to remove the said Tree and the branches of the said Tree are lying on the top of the roof tiles and it may fall down at any moment on his house and due to which, the petitioner was not able to enter into his house and his life is in danger.

5.The learned counsel for the petitioner submitted that the petitioner is ready to bear the cost for cutting of the said Tree, if the respondents permit the petitioner to cut the same. Since the petitioner being Senior Citizen and unable to live with his family in the said house due to Gaja Cyclone, has approached this Court by way of filing this Writ Petition, when there is no alternate remedy available to him.

6.I have heard the learned counsel appearing for the parties and perused the materials available on record.

7.From the records, it is seen that for the property in question, Patta was granted in favour of the petitioner's wife. The photographs produced by the petitioner show that the branches of the said Tree are lying on the top of the roof tiles and it may fall down at any moment on the petitioner's house and therefore, this Court directs the respondents 2 and 3 to inspect the property within a week and to give permission to the petitioner, if he is ready to cut the tree, otherwise, the Revenue Officials shall engage their men and material and cut the Tree and the petitioner shall bear the cost for removing the said Tree.



8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Pudukkottai,
Pudukkottai District.

2. The Tahsildar,
Ponnamaravathy,
Pudukkottai,
Pudukkottai District.

3. The Block Development Officer,
Ponnamaravathy Panchayat,
Pudukkottai,
Pudukkottai District.

+1CC TO Mr.G.Mathavan, Advocate, Sr No.97259

+1CC TO Mr.SPECIAL GOVERNMENT PLEADER, SR NO.97595

W.P (MD) No.23549 of 2018
28.11.2018

smn2

MS/VR-MMS/SAR-3/29.11.2018/3P.6C