



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P (MD) No.22564 of 2017

G.Nagarajan

... Petitioner

Vs.

1. The District Collector,
Virudhunagar,
Virudhunagar District.
2. The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
3. The Tahsildar,
Tiruchuli Taluk,
Virudhunagar District.
4. The Executive Engineer,
Kundaru Water Basin Circle,
Public Works Department,
Thallakulam,
Madurai.
5. The Assistant Executive Engineer,
Public Works Department,
Kundaru Water Basin Circle,
Kariyapatti,
Virudhunagar District.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to permit the petitioner to remove the Seemakaruvelam Trees at his own cost in respect of Kattanur Kanmoi situated in S.No.1/1, Kattanur Village, Tiruchuli Taluk, Virudhunagar District in the light of the order passed by the Honourable Chief Justice, Full bench, Principal Seat at Madras in W.P.Nos.10614 of 2017 and W.P(MD)Nos.20767, 18748 of 2013, 14699, 16485 of 2015, 3075, 4646, 5456, 2847 of 2017 and Contempt Petition(MD)Nos.1340 of 2014 and 773 of 2017 dated 28.07.2017 in



relating to the removal of 'Seemai Karuvelam Trees' in the State of Tamil Nadu on the basis of the petitioner's representation dated 28.08.2017 within a stipulated time that may be fixed by this Court.

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For Petitioner : Mr.S.T.Sasidharan Tamilkani

For Respondents : Mr.C.M.Mari Chelliah Prabhu,
Additional Government Pleader

ORDER

(Order of the Court was made by
M. SATHYANARAYANAN, J.)

By consent, the Writ Petition itself is taken up for final disposal.

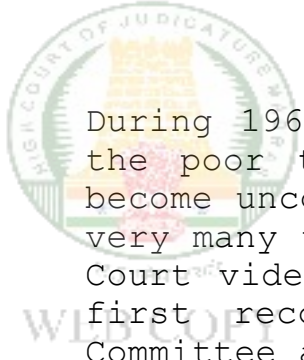
2. Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader appears on behalf of the respondents.

3. The grievance expressed by the petitioner is that a water body namely Kattanur Kanmoi is situated in Survey No.1/1, Kattanur Village, Tiruchuli Taluk, Virudhunagar District, wherein very many 'Karuvelam Trees'(Prosopis Juliflora) had grown. The petitioner would state that on an earlier occasion, he had also filed writ petitions seeking for removal of the said exotic trees for the reasons that it not only sucks the groundwater, but also, dries the atmosphere and no useful purpose is being served, by keeping the trees except for the fact that on cutting and removal, it is used as firewood and auctioning of the same would benefit the local body to certain extent.

4. The learned counsel appearing for the petitioner would submit that the issue relating to removal of Karuvelam trees has been seized of by the Division Bench of this Court and later on, the matter has been referred to the Full Bench and vide order dated, 28.07.2017, the Full Bench of this Court has also observed that as per the first recommendation given by the Interim Report, a plan may be worked out and implemented for removal of Seemai Karuvelam trees across the water bodies of the State in a phased manner in order to facilitate flow of water and augment the storage capacity of water bodies and despite such direction, the respondents did not take any appropriate and effective steps to remove the Karuvelam trees from the water body in question and the petitioner in this regard, has also submitted a representation dated 28.08.2017 to the first respondent and despite the receipt and acknowledgement, no response is forthcoming and hence, he is constrained to approach this Court by filing this Writ Petition.

<https://hcservices.ecourts.gov.in/hcservices/>

5. As per the Expert opinion, Prosopis Juliflora(Karuvelam Trees) is an invasive one in Africa, Australia and elsewhere.



During 1960's, plantation of said trees has been made to benefit the poor to use it as a firewood. However, the growth has become uncontrollable and in such case like the present one, where very many trees are in the water body also, the Full Bench of this Court vide interim order dated 28.07.2017 shall take note of the first recommendation of the Interim Report submitted by the Committee and observed in Paragraph No.10 as follows:

"As per the first recommendation, a plan may be worked out and implemented for removal of Seemai Karuvelam trees across the water bodies of the State in a phased manner in order to facilitate flow of water and augment the storage capacity of water bodies."

6. In the light of the same, this Court directs the respondents through the third respondent to cause inspection of Kattanur Kanmoi(water body) situated in Survey No.1/1, Kattanur Village, Tiruchuli Taluk, Virudhunagar District, within a period of four weeks from the date of receipt of a copy of this order and while doing so, the third respondent shall put the petitioner as well as the respondents 4 and 5 on notice and depending upon the result of the said survey, the respondents are directed to take appropriate action and inform the decision taken, to the petitioner, within a further period of eight weeks thereafter.

7. This Writ Petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar,
Virudhunagar District.
2. The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
3. The Tahsildar,
Tiruchuli Taluk,
Virudhunagar District.



4. The Executive Engineer,
Kundaru Water Basin Circle,
Public Works Department,
Thallakulam,
Madurai.

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5. The Assistant Executive Engineer,
Public Works Department,
Kundaru Water Basin Circle,
Kariyapatti,
Virudhunagar District.

+ 1 cc TO Mr.S.T.Sasidharan Tamilkani , Advocate in SR No. 41563
+ 1 cc TO The Special Government Pleader in SR No. 42236

pm

AE/KK/SAR2/24.01.2018/4P/8C

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