

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI  
W.P. 20423 of 2008  
and  
M.P. 1 of 2008

I.Doraiswamy

... Petitioner

Vs

1. The Nilgiris Tree Cutting Committee,  
under the Hill Areas (Preservation of  
Trees) Act, 1955,  
by its Chairman,  
the Collector of the Nilgiris,  
Udhagamandalam, the Nilgiris.
2. The Personal Assistant (General)  
to the Collector of the Nilgiris),  
and The Secretary to the Nilgiris  
District Tree Cutting Committee,  
Collector's Office,  
Udhavamandalam, Nilgiris.
3. The District Forest Officer,  
Nilgiris North Division,  
Udhagamandalam,  
The Nilgiris.
4. The Executive Engineer (A.E.),  
Udhagamandalam,  
The Nilgiris.
5. The Tahsildar,  
Kotagiri Taluk,  
Kotagiri, The Nilgiris.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent (As the Chairman of the Tree Cutting Committee for the Nilgiris District) to consider the petitioner's application dated 20.12.2006 submitted in Form No.1 of Rule 5 and section 3(1)(b) of the Tamil Nadu Hill Areas (Preservation of Trees) Act, 1955 and grant permission

to the petitioner to cut and remove the wind fallen Rose Wood tree in Survey No.102, Jackkanarai Village, Kotagiri Taluk, The Nilgiris District within a time to be stipulated by this Hon'ble Court.

For Petitioner : Ms.S.Mahalakshmi for  
Ms.R.Gouri

For Respondents : Mr.J.Ramesh,  
Addl. Govt. Pleader for R1

Mr.G.B.Rajesh, Govt. Pleader  
(Forest) for R2 to R5

O R D E R

This Writ Petition has been filed seeking a direction directing the 1<sup>st</sup> respondent to consider the petitioner's application dated 20.12.2006 submitted in Form No.1 of Rule 5 and Sec.3(1)(b) of Tamil Nadu Hill Areas (Preservation of Trees) Act, 1955 and grant permission to the petitioner to cut and remove the wind fallen rose wood tree in Survey No.102, Jackkanarai Village, Kotagiri Taluk, The Nilgiris District within a time stipulated by this Court.

2. The case of the petitioner is that he is one of the owner/co-pattadar of the land and he has filed this Writ Petition before this Court seeking to grant permission for removal of wind fallen rose wood trees in the patta land comprised in Old Survey No.102 (new Survey No.274/3) of Jackkanarai Village, Kotagiri Taluk, Nilgiris District. Initially, the forest department has objected saying that the forest department is entitled to collect royalty charges from the petitioner. Accordingly, this Court by an order dated 21.08.2008 directed the petitioner to furnish bank guarantee for a sum of Rs.9000/- and a personal bond for the remaining amount of Rs.9000/-. Thereafter, after furnishing the bank guarantee, the petitioner is permitted to remove one wind fallen Rosewood tree and thus, by way of an interim order, the wind fallen Rosewood tree is removed by the petitioner and the remaining question has to be decided in the present Writ Petition is that whether the Forest department is entitled to collect royalty charges from the petitioner.

3. Today, when the matter came up for hearing, Ms.S.Mahalakshmi, learned counsel appearing for the petitioner has produced a copy of letter dated 19.06.2019, wherein the District Forest Officer, Nilgiris Forest Division, Udhagamandalam has stated that under the Tamil Nadu Hill Area (Preservation of Trees) Act, 1955 and Tamil Nadu Rosewood (Conservation) Act, 1994, there is no provision to collect royalty from the petitioner.

4. In view of the above, the bank guarantee obtained from the petitioner need not be encashed and the petitioner is entitled to get back the bank guarantee furnished by him. Hence, nothing survives for further adjudication in this Writ Petition. With the above said observation, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rpp  
To

1. The Chairman,  
Nilgiris Tree Cutting Committee,  
under the Hill Areas (Preservation of  
Trees) Act, 1955,  
The Collector of the Nilgiris,  
Udhagamandalam, the Nilgiris.
2. The Personal Assistant (General)  
to the Collector of the Nilgiris),  
and The Secretary to the Nilgiris  
District Tree Cutting Committee,  
Collector's Office,  
Udhagamandalam, Nilgiris.
3. The District Forest Officer,  
Nilgiris North Division,  
Udhagamandalam,  
The Nilgiris.
4. The Executive Engineer (A.E.),  
Udhagamandalam, The Nilgiris.
5. The Tahsildar,  
Kotagiri Taluk,  
Kotagiri, The Nilgiris.

+1 cc to Government Pleader Sr.No. 50627  
+1 cc to spl Government Pleader Sr.No. 50304  
+1cc to Mr. R.Gouri, Advocate SR.No. 51262

W.P. 20423 of 2008  
and  
M.P. 1 of 2008

A.SK(16/07/2019)