

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.6895 of 2019

K.Pattabiraman

... Petitioner

Vs.

1. The Sub Divisional Magistrate/Sub Collector,
Tirupathur Taluk,
Vellore District.
2. The Executive Magistrate/Tahsildar,
Tirupathur Taluk,
Vellore District.
3. The Village Administrative Office,
Athiyur Village,
Tirupathur Taluk,
Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to remove the old Peepal tree standing in front of the petitioner's house bearing the Door No.132/2, Pattammal Nagaram, Alamarathur Vattam, S.No.269, Athiyur Village, Tirupathur Taluk, Vellore District.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.S.N.Parthasarathy
Government Advocate

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O R D E R

Mr.S.N.Parthasarathy, learned Government Advocate takes notice for the respondents. By consent of the parties, this main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus, directing the

respondents to remove the old Peepal tree standing in front of his house bearing Door No.132/2, Pattammal Nagaram, Alamarathur Vattam, S.No.269, Athiyur Village, Tirupathur Taluk, Vellore District.

3. Heard both sides.

4. The petitioner claims that he is residing in the above said property for the past 50 years with his family members. According to the petitioner, due to the old age of the Peepal tree, standing in front of his house, the entire tree stretches in the top of the house. Therefore, the petitioner apprehends that it would cause danger to the life and property of the petitioner and his family.

5. However, it is seen that the petitioner has not approached the respondents by way of any representation so far. Therefore, it is for him to sent a representation to the respondents, detailing the problems being faced by the petitioner. On receipt of such representation, the second respondent shall consider the representation and take appropriate steps after deputing the Revenue Officials to inspect the place and give a report.

6. Needless to say that if some of the branches are posing threat to the petitioner's property, it is for the second respondent to take appropriate action to cut down those branches alone, instead of removing the whole tree as sought for by the petitioner. In any event, it is for the second respondent to get a report from the local Revenue Officials with regard to the present state of affairs of the said tree and to take appropriate decision on the request of the petitioner, accordingly.

7. With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

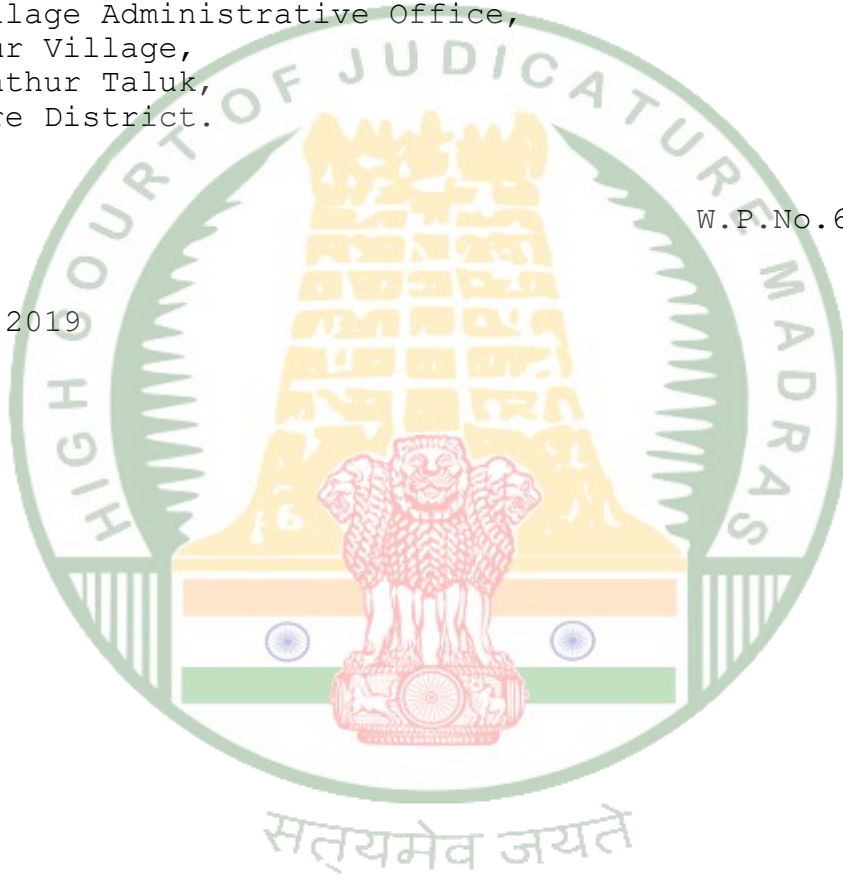
sni/mk

To

1. The Sub Divisional Magistrate/Sub Collector,
Tirupathur Taluk,
Vellore District.
2. The Executive Magistrate/Tahsildar,
Tirupathur Taluk,
Vellore District.
3. The Village Administrative Office,
Athiyur Village,
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GP (CO)
CSL/08.04.2019



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