



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 06.08.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P. (MD) NO. 15860 OF 2019

AND

W.M.P. (MD) NOS. 12586 & 12587 OF 2019

M.Ayothi

.. Petitioner

- Vs -

1. The District Collector
District Collector Office
Sivagangai.
2. The Revenue Divisional Officer
Sivagangai, Sivagangai District.
3. Tahsildar
Thirupuvanam, Sivagangai District.
4. Mr. Akbar

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the 1st respondent to withdraw the enquiry proceedings in Na.Ka.A2/5433/2017 dated 06.12.2017 from the file of the 2nd respondent and to transfer the same to any other competent authority of Sivagangai District and consequentially direct the authority concerned to conclude the enquiry proceedings within the time limit that may be fixed by this Hon'ble Court.

For Petitioner : Mr. C.M.Arumugam

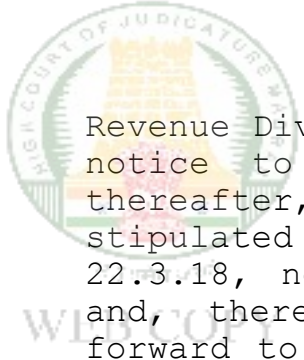
For Respondents : Mr. A.K.Baskarapandian, Spl. G.P.

For RR-1 to 3

ORDER

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

The writ petition, styled as a public interest litigation, is filed by a resident of Thirupuvanam, Sivagangai District, alleging that the 4th respondent has been granted licence to remove "Nattukaruvelam Trees" in survey Nos.54/1 and 55/1, admeasuring to an extent of 43.43.5 hectares. However, the 4th respondent had cut and removed excess quantity and, therefore, the 4th respondent was issued with a proceedings dated 6.12.17 levying a penalty and the same was put to challenge in W.P. (MD) No.5919/18, which was disposed of on 22.3.18 by directing the 2nd respondent, viz., the



Revenue Divisional Officer, Sivagangai District, to issue show cause notice to the 4th respondent calling for his objections and, thereafter, to conduct an enquiry and pass suitable orders within a stipulated time and despite such an order, having been passed on 22.3.18, no further action has been taken for reasons best known and, therefore, left with no alternative, the petitioner came forward to file this petition praying for appropriate direction to withdraw the proceedings from the file of the 2nd respondent and transfer the same to some other competent authority.

2. The writ petition was listed for hearing on 17.7.19 and this Court, having noted the said fact, has entertained the writ petition and directed the presence of the 2nd respondent, viz., the Revenue Divisional Officer, Sivagangai District, to personally remain present before this Court with records to assist the Court. Accordingly, Mrs.H.R.Selvakumari, Revenue Divisional Officer, Sivagangai, is personally present before this Court with the records.

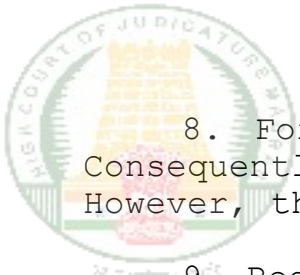
3. Learned counsel appearing for the petitioner submits that since for reasons best known, the 2nd respondent has not concluded the enquiry by passing appropriate orders within a stipulated time, the said proceedings pending on the file of the 2nd respondent should be necessarily transferred to some other competent authority for passing appropriate orders on merits and in accordance with law.

4. Per contra, Mr.A.K.Baskarapandian, learned Special Government Pleader, appearing for respondents 1 to 3 submit that the 2nd respondent, vide proceedings dated 30.7.19 in Na.Ka.A2/5433/2017, after taking into consideration the explanation submitted by the 4th respondent dated 24.1.19, 9.7.19 and 16.7.19, has passed order levying penalty of Rs.8,64,000/= for having illegally cut and removed 45 tons of Nattukaruvelam trees.

5. This Court has carefully considered the rival submissions and perused the materials available on record as also the original records placed before this Court by the 2nd respondent.

6. The fact remains that after entertaining this writ petition, the 2nd respondent, vide the abovesaid proceedings dated 30.7.19 has passed orders levying penalty on the 4th respondent. In the light of the said development, nothing survives for further adjudication in this writ petition and, accordingly, this writ petition is closed.

7. The proceedings of the 2nd respondent in Na.Ka.A2/5433/2017 dated 30.07.2019, which is produced before this Court, is taken on file and recorded.



8. For the reasons aforesaid, this writ petition is closed. Consequently, connected miscellaneous petitions are also closed. However, there shall be no order as to costs.

9. Registry is directed to communicate a copy of this order to the 4th respondent in this writ petition.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector
District Collector Office
Sivagangai.
2. The Revenue Divisional Officer
Sivagangai, Sivagangai District.
3. Tahsildar
Thirupuvanam, Sivagangai District.

Copy to: Mr.Akbar, S/o.Sheik Dawood, Plot No.225,
New LIC Colony, K.K.Nagar, Madurai.

+1 CC to Mr.C.M.ARUMUGAM, Advocate SR-80447.
+1 CC to SPL GP SR-80724.

W.P. (MD) NO. 15860 OF 2019
06.08.2019

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