

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.02.2020
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.15174 of 2017
and WMP.No.16449 of 2017

Rajamanickam @ Manickam

...Petitioner

-vs-

1. The District Collector,
Salem District,
Salem - 636 001.
2. The Revenue Divisional Officer,
Athur, Salem District.
3. The Tahsildhar,
Pethanaickanpalayam Taluk,
Salem District.
4. The Executive Officer,
Periyakrishnapuram,
Pethanaickanpalayam Taluk,
Salem District.
5. The Executive Officer,
Chinnakrishnapuram,
Pethanaickanpalayam Taluk,
Salem District.

... Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbearing the respondents 4 and 5 from laying road or cutting trees or removing crops standing in Patta lands in Survey Nos.16/3B, 16/4B, 16/10C and 16/10D in Chinnakrishnapuram Village, Pethanaickanpalayam Taluk, Salem District except under due process of law.

For Petitioner : Mr. A.V. Arun

For Respondents : Mr.M.D. Ilayaraja
Government Advocate [R1 to R3]
Ms.Thanga Vadhana Balakrishnan
Additional Govt. Pleader [R4 to R6]

ORDER

Heard Mr.A.V.Arun, learned counsel for petitioner and Mr.M.D.Ilayaraja, learned Government Advocate for 1st, 2nd and 3rd respondents and Ms.Thanga Vadhana Balakrishnan, learned Additional Government Pleader for respondents 4, 5 and 6.

2. With consent of learned counsel on either side, the writ petition itself is taken up for final disposal.

3. The petitioner seeks for a direction to forbear the respondents 4 and 5 from laying road or cutting trees or removing crops standing in patta lands in survey Nos. 16/3B, 16/4B, 16/10C and 16/10D in Chinnakrishnapuram Village, Pethanaickanpalayam Taluk, Salem District.

4. In the counter affidavit filed by the 4th respondent, it has been stated that the proposed road is to be laid in survey No.97/4 of Periyakrishnapuram Village and they will not be interfered with the petitioner's land in survey Nos.16/3B, 16/4B, 16/10C and 16/10D of Chinnakrishnapuram Village. The relevant paragraph of the counter affidavit is quoted hereunder:

"5. I submit that, myself and the fifth Respondent proposed to lay a Road for the Public Welfare in Survey No. 97/4 of Periyakrishnapuram Village and accordingly passed a resolution thereof. Whereas, the Petitioner's land is situated at Chinnakrishnapuram Village on the Southern side of the Periyakrishnapuram Village. The respondents are never to interfere in the Possession of Petitioner's Land in S.Nos: 16/3B, 16/4B, 16/10C and 16/10D of Chinnakrishnapuram Village."

5. Insofar as the petitioner's apprehension regarding cutting down the trees, the learned Additional Government Pleader appearing for 4th respondent submitted that there is a proposal to cut eleven(11) Palmirah Trees as per the proceedings of the 2nd respondent dated 05.06.2017, which are standing in the lands classified as Government poromboke land and pathway and there is also a resolution to the effect that for every tree, which has been cut ten(10) tress will be planted.

6. It is not sufficient that the Block Development Officer plants 10 trees and he has ensured that the trees shall be maintained, so that they survive. Since the relief sought for by the petitioner has been accepted by the respondents in the counter affidavit, the same is placed on record and the writ petition is disposed of by forbearing the 4th and 5th respondents from laying road or cutting trees or removing crops standing in patta lands in survey Nos. Nos.16/3B, 16/4B, 16/10C and 16/10D in Chinnakrishnapuram Village, Pethanaickanpalayam Taluk, Salem District and permitting the 4th and 5th respondents to lay the road in the Government poromboke land/path way comprised in survey No.97/4 of Periyakrishnapuram village and ensure that the 4th and 5th respondents shall plant the requisite trees and shall maintain the same.

With the above observations, the writ petition stands disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

mp
To

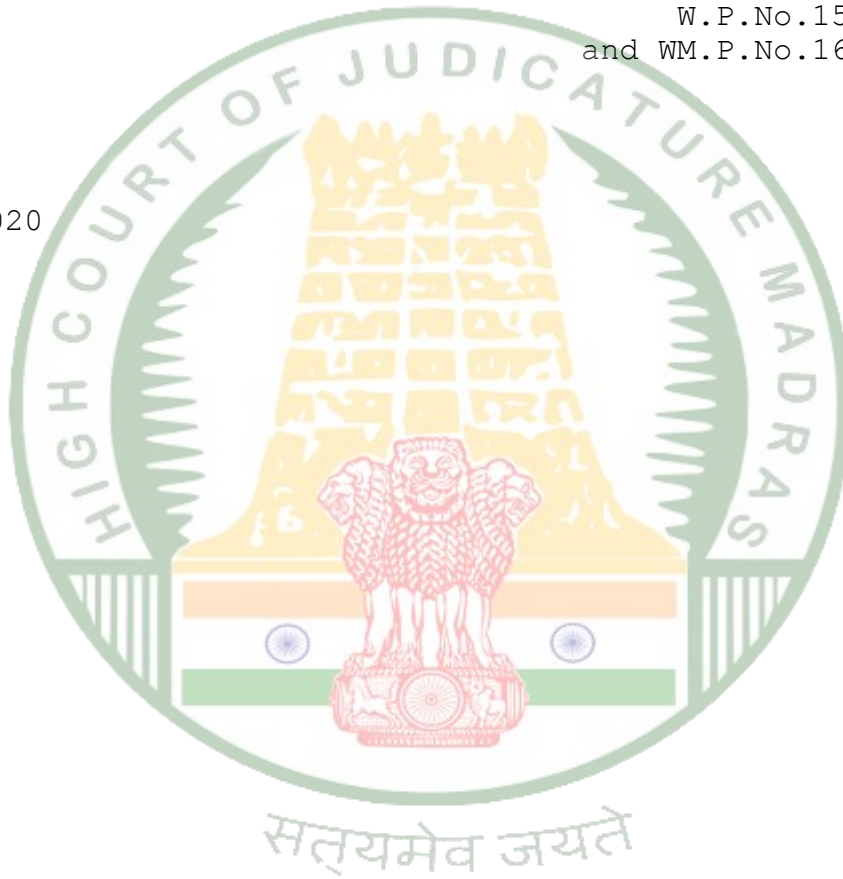
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+1 cc to Mr.A.V.Arun Advocate sr9537
+1 cc to M/s.Thangavadhana Balakrishnan Advocate sr9302
+1 cc to Government Pleader sr 10009

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sj(co)
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