



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 18.06.2020

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P (MD)No.6848 of 2020

and

W.M.P. (MD)No.6253 of 2020

WEB COPY

D.Johnson

...Petitioner

Vs

1.The District Collector,
Nagercoil, Kanyakumari District.

2.The Sub-Collector,
Padmanabhapuram,
Kanyakumari District.

3.The Divisional Engineer,
National Highways,
Nagercoil, Kanyakumari District.

4.The Tashildar, Kalkulam Taluk,
Kanyakumari District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent herein to take appropriate action so as to remove the standing trees in the National Highways which is posing danger to the petitioner and his house as well as to the public at km 614/2 in NH47 by considering the representation of the petitioner, dated 25.01.2020.

For Petitioner :Mr.L.Jeen Felix
For Respondents :Mr.M.Raja Rajan
Government Advocate

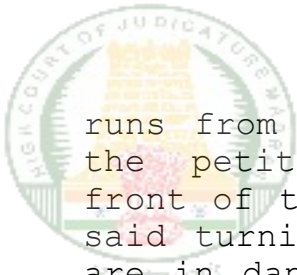
ORDER

By consent of both parties, the writ petition is taken up for final disposal at the stage of admission itself.

2.This writ petition has been filed for issuance of writ of Mandamus directing the second respondent herein to take appropriate action so as to remove the standing trees in the National Highways which is posing danger to the petitioner and his house as well as to the public at km 614/2 in NH47 by considering the representation of the petitioner, dated 25.01.2020.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

4.The case of the petitioner is that he is an agriculturist and his residential house is situated on the National Highways 47 which



runs from Kanyakumari to Kaliyakavilai. It is the further case of the petitioner that there is a dangerous turning in the highway in front of the petitioner's house and some trees are standing in the said turning, which are planted several decades ago and now, they are in dangerous conditions and their branches are falling due to the infection found in the trees. Therefore, the petitioner is anticipating danger at any movement. Hence, he sent a representation dated 25.01.2020 to the respondent to remove the same, but the same has not been considered so far. Hence, the present writ petition.

5. When the matter was taken up for hearing, the learned Government Advocate would submit that a proceedings has been initiated by the Sub-Collector, Padmanabhapuram, Kanyakumari District, in Na.Ka.No.A3170/20, dated 18.03.2020 for removal of the said trees and after following the procedures calling for tenders/auction, necessary steps will be taken.

6. The submission of the learned Government Advocate is recorded. Accordingly, this writ petition is allowed. The respondents are directed to take necessary steps for removing the trees which are posing danger to the petitioner house as well as to the local public within a period of four weeks. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Nagercoil, Kanyakumari District.
2. The Sub-Collector,
Padmanabhapuram,
Kanyakumari District.
3. The Divisional Engineer,
National Highways,
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