



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2020

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.A(MD)No.523 of 2020
and
C.M.P.(MD)Nos.3658 & 3659 of 2020

S.Muthuraman

... Appellant / Petitioner

-Vs-

1.The District Collector,
Collectorate Campus,
Sivagangai, Sivagangai District.

2.The District Revenue Officer,
Office of the District Revenue Officer,
Collectorate Campus, Sivagangai,
Sivagangai District.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Majith Road, Sivagangai, Sivagangai District.

4.The Tahsildar,
Taluk Office, Weekly Market Road,
Sivagangai, Sivagangai District.

5.The Divisional Forest Officer,
Social Forestry Division,
Sivagangai.

... Respondents/Respondents

Prayer:Writ Appeal - filed under Clause 15 of the Letters Patent Act, to set aside the order dated 30.06.2020 made in W.P(MD)No.13108 of 2019 on the file of this Court and allow this writ appeal.

Prayer in WP(MD). 13108/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents herein to extend the lease period for 99 days from 12/06/2019 for the non operation period from 08/02/2019 to

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18/05/2019 based on the petitioner representation dated 27/05/2019 and consequently forbearing the respondents from any way interfering with leasehold rights of the petitioner from removing the karuveta trees in the survey No.91 in periyakottai kanmai in V.Pudukulam village, Sivagangai District as per the proceeding of the 3rd respondent in Mu.Mu.A1/3740/2015 dated 13.08.2016.

For Appellant : Mr.Veerakathiravan,
Senior Counsel for M/s.Veera Associates,
assisted by Mr.S.Ramsundarvijayaraj

For Respondents : Mr.K.Chellapandian,
Additional Advocate General assisted by
Mr.Aayiram K.Selvakumar, Additional Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **M. SATHYANARAYANAN, J.,**]

Mr.Veerakathiravan, learned Senior Counsel assisted by Mr.S.Ramsundarvijayaraj, learned counsel appearing for the appellant / writ petitioner, has invited the attention of this Court to the contents of the impugned order, which is a subject of challenge in this writ appeal and would submit that though majority of the findings are in favour of the appellant / writ petitioner, the learned Judge failed to take into consideration the cost of cutting and removing the trees by way of labour charges, the charges incurred to the loading, unloading and other transportation charges and chose to give a finding that the petitioner did not suffer any loss. Therefore, the appellant / writ petitioner is constrained to approach this Court praying for interference in the said order.

2. After some arguments, the learned Senior Counsel appearing for the appellant / writ petitioner, on instructions would submit that since despite the materials placed, the said factual aspects have not been considered, the petitioner may be granted liberty to file a petition for review before the learned single Judge and also prays for further leave of this Court to withdraw this writ appeal.

3. This Court heard the submissions of Mr.K.Chellapandian, learned Additional Advocate General assisted by Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents.

4. The learned counsel on record for the appellant / writ petitioner also undertakes to make endorsement by way of e.mail., to be sent to the address of the Registry, for the withdrawal of this writ appeal.



5. In the light of the same, this writ appeal is dismissed as withdrawn. The appellant / writ petitioner if so advised, he is always at liberty to avail the review jurisdiction. No Costs. Consequently, connected Miscellaneous Petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Collectorate Campus,
Sivagangai, Sivagangai District.
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Office of the District Revenue Officer,
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Sivagangai, Sivagangai District.
5. The Divisional Forest Officer,
Social Forestry Division, Sivagangai.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-13919[F] dated 12/08/2020)

Judgment in
W.A(MD) No.523 of 2020
07.08.2020

pm

SDS (12.10.2020) 3P-7C

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