



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.09.2020
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P.(MD)No.11082 of 2020
and
W.M.P.(MD)No.9710 of 2020

V.Selvaraj Ambalam

... Petitioner

Vs.

1.The District Collector
Collector Office, Madurai District.

2.The Block Development Officer,
Union Office, Melur,
Madurai District.

3.The Tahsildar
Taluk Office, Melur,
Madurai District.

4.The President
Aamoor Village Panchayat,
Melur Taluk,
Madurai District.

5.K.S.Rajan

6.K.S.R.Sanjeevi Raja ... Respondents
(Respondents 5 & 6 are impleaded as per order of this
Court in WMP(MD) No.10522 of 2020, dated 28.09.2020)

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent proceeding Na.Ka.No.889/2018/D1, dated 03.08.2020 and to quash the same as illegal arbitrary and permit the petitioner to remove the karuveta trees in SR.No.109 (Panikkankundukulam) Maruthur Village, Melur Taluk, Madurai District.

For Petitioner : Mr.A.Senthilkumar
For Respondents 1, 3 & 4 : Ms.S.Srimathy,
Special Government Pleader

For 2nd Respondent : Mr.K.Sathiyasingh,
Additional Government Pleader



For Respondents 5 & 6 : Mrs.Chamundi Bose

O R D E R

Heard, the learned counsel on either side.

2. What is under challenge in this writ petition is the communication of the Block Development Officer (Village Panchayats), Melur, calling upon the writ petitioner not to cut any trees in Survey Nos.109 and 110 of Maruthur Village.

3. I am of the view that the impugned order cannot be faulted. It is not in dispute that O.S.No.390 of 2012 has been filed by the petitioner vakaiyara before the Jurisdictional Civil Court, seeking declaration in respect of the petition mentioned property. Therefore, till its disposal, the status quo has to be maintained. It is claimed by the petitioner that the trees have already been cut. But this assertion is denied by the learned Additional Government Pleader appearing for the Block Development Officer.

4. I am of the view that the issue has to be resolved only by the Civil Court.

5. I therefore, direct the learned District Munsif, Melur to dispose of O.S.No.390 of 2012 on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order. The petitioner is at liberty to file an Interlocutory Application (IA) for auctioning the trees that have already been cut down. If such an Interlocutory Application (I.A) is filed, the learned District Munsif, Melur, will dispose of it within a period of two weeks. If the learned District Munsif, Melur, directs conducting of the auction, it shall be done only through a Government Official. Of-course, the Plaintiffs in the suit can be permitted to seek reimbursement of the cutting charges. Of-course, an inventory will be taken before an auction is ordered to be conducted. I make it clear that I have not gone into the merits of the matter.

6. With these directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// 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
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Melur,
Madurai District.

3.The Tahsildar
Taluk Office,
Melur,
Madurai District.

4.The President
Aamoor Village Panchayat,
Melur Taluk,
Madurai District.

+1 CC to M/s.Special Govt.Pleader (SR-18342[F] dated 29/09/2020)

Copy to:

The District Munsif,
Melur.

W.P (MD) No.11082 of 2020
28.09.2020

rm
SDS (07.10.2020) 3P-7C