



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD).No.18669 of 2020

K.Chellaswamy

.. Petitioner

Vs.

1.The District Collector,
Kanniyakumari District,
Nagercoil.

2.The Tahsildar,
Kalkulam Taluk,
Thuckalay,
Kanniyakumari District.

3.The Commissioner,
Kurunthencode Panchayat Union,
Kurunthencode & Post,
Kanniyakumari District.

4.The President,
Vellichanthai Village Panchayat,
Vellichanthai & Post,
Kanniyakumari District.

5.The Village Administrative Officer,
Vellichanthai 'B' Village,
Saral & Post,
Kanniyakumari District.

6.Rekha

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 5 to remove the dangerous trees in land of the 6th respondent comprised in R.S.No.960/13 of Vellichanthai 'B' Village and also to remove the fallen drumstick tree over the house of the petitioner in R.S.No.960/14 of Vellichanthai ' B' Village and to provide adequate compensation for the damages caused to the house.

For Petitioner : Mr.C.T.Perumal

For Respondents : Mrs.V.P.M.Vaishnavi for R1, R2 and R5
Government Advocate
Mr.A.Thiagarajan, for R3 & R4
Government Advocate



ORDER

(This writ petition is heard through video conference)

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 5 to remove the dangerous trees in the land of the 6th respondent comprised in R.S.No.960/13 of Vellichanthai 'B' Village and also to remove the fallen drumstick tree over the house of the petitioner in R.S.No.960/14 of Vellichanthai ' B' Village and to provide adequate compensation for the damages caused to the house.

2.Heard Mr.C.T.Perumal, learned counsel for the petitioner, Mrs.V.P.M.Vaishnavi, learned Government Advocate, who accepts notice on behalf of the respondents 1, 2 and 5 and Mr.A.Thiagarajan, learned Government Advocate, who accepts notice on behalf of the respondents 3 and 4.

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

4.The learned counsel for the petitioner on instructions, would submit that even though the petitioner has sought for a positive direction from this Court, the petitioner is satisfied, if his representation dated 07.10.2020 requesting the respondents 1 to 5 to remove the dangerous trees in the land of the 6th respondent comprised in R.S.No.960/13 of Vellichanthai 'B' Village and also to remove the fallen drumstick tree over the house of the petitioner in R.S.No.960/14 of Vellichanthai ' B' Village, also seeking to provide adequate compensation for the damages caused to the petitioner is considered by the third respondent on merits and in accordance with law, after hearing the necessary parties including the 6th respondent.

5.This Court is of the view that no prejudice will be caused to the respondents, if the representation of the petitioner dated 07.10.2020, is considered by them on merits and in accordance with law, after hearing the necessary parties including the 6th respondent.

6.For the foregoing reasons, this Court directs the third respondent to consider the petitioner's representation, seeking for removal of dangerous trees in the land of the 6th respondent comprised in R.S.No.960/13 of Vellichanthai 'B' Village and also to remove the fallen drumstick tree over the house of the petitioner in R.S.No.960/14 of Vellichanthai ' B' Village and pass final orders on merits and in accordance with law, after hearing the petitioner as well as other necessary parties, including the 6th respondent, within a period of eight weeks from the date of receipt of a copy of this order.



7. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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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Nagercoil.
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Kanniyakumari District.

+1cc to Mr.C.T.Perumal, Advocate Sr.No.26279

W.P. (MD) .No.18669 of 2020
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VB (04.01.2021) 3P 7C

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