



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.16686 of 2015

and M.P.(MD).No.1 of 2015

WEB COPY

K.R.Ganesan

.. Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Principal Chief Engineer, PWD/WRO,
Chepauk, Chennai - 5.

3.The Chief Engineer, PWD/WRO
Madurai Region, Madurai - 2.

4.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

5.The Tahsildar,
Devakottai, Sivagangai District.

6.The President,
Thennevayal Panchayat,
Thennevayal Village,
Eluvankottai Post,
Devakottai Taluk,
Sivagangai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, direct the respondents to conduct auction for cutting the trees in Thennevayal pond or in any other area of Thennevayal Village, Eluvankottai Post, Devakottai Taluk, Sivagangai District in conformity with the proceedings of the 3rd respondent in his proceedings in Letter No. கடித எண். வப/வஅ2/21175 (பொது) 97/ dated 12.07.2013.

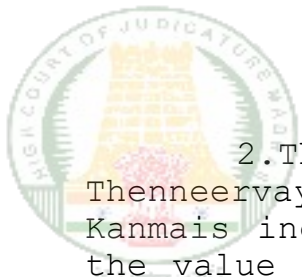
For Petitioner : Mr.C.Venkatesh Kumar

For Respondents: Mr.A.Thiyagarajan

Government Advocate

ORDER

This writ petition is filed for issuing a writ of Mandamus to direct the respondents to conduct auction for cutting the trees in Thennevayal pond or in any other area of Thennevayal Village, Eluvankottai Post, Devakottai Taluk, Sivagangai District in conformity with the proceedings of the 3rd respondent in his proceedings in Letter No. கடித எண். வப/வஅ2/21175 (பொது) 97- dated 12.07.2013.



2.The petitioner states that he is a resident of Thenneervayal Village and that numerous trees were standing in three Kanmais including the Kanmai known as Thenneervayal Kanmai. Since the value of standing trees worth for a larger amount of money and several unauthorized cutting was reported, the petitioner appears to have given a representation requesting the respondents to take appropriate action for the illegal cutting of trees. The Chief Engineer PWD, Madurai Region, Public Works Department in his proceedings, dated 12.07.2013, has stated that the Revenue Department is taking appropriate steps for cutting the trees by public auction, so that the trees can be encashed for the benefit of public. The petitioner was also informed that steps have been taken by the Revenue Department for bringing the item relating to cutting of trees by public auction. But, no steps have been taken so far. The learned counsel therefore, filed the writ petition. Learned counsel appearing for respondents has no instructions, though the writ petition is pending for five years.

3.The counsel appearing for the petitioner submitted that during the pendency of writ petition, the trees have been cut and removed by miscreants and no cutting was done by the Revenue Department as it was promised. According to the petitioner no public auction was conducted by the respondents. From the representation by the petitioner and the statement of counsel appearing for the petitioner, this Court is able to see that the respondents have shown an indifferent attitude and failed to make use of the valuable trees for the benefit of public by putting the cutting and removal of trees properly through public auction.

4.In the said circumstances, though the writ petition is dismissed as infructuous, the first respondent is directed to hold an enquiry regarding illegal cutting of trees and to take suitable action against erring officials, who failed to prevent such illegal cutting after giving them sufficient opportunity, within a period of twelve weeks from the date of receipt of a copy of this order. With the above directions, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM



To

1.The District Collector,
Sivagangai District,
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Devakottai, Sivagangai District.

6.The President,
Thennergavayal Panchayat,
Thennergavayal Village,
Eluvankottai Post,
Devakottai Taluk, Sivagangai District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-4210[F]

+1 CC to M/s.SPL.GP (SR-4419[F] dated 03/02/2020)

W.P. (MD) .No.16686 of 2015

30.01.2020

SMA/14/02/2020/3P/9C