



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD)No.7157 of 2017

and

W.M.P.(MD)No.5653 of 2017

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V.Sivakumar

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Ramanathapuram District.

3.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

4.State Rep. by:
The Inspector of Police,
Thiruvadanai Police Station,
Thiruvadanai Taluk,
Ramanathapuram District.

5. S.Sebastiyan

6. S.Kulanthai
[(R5 and R6 are impleaded vide Court
order dated 13.06.2017 in W.M.P.(MD).No.8319/17] ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to initiate an appropriate action on the petitioner's representation dated 09.03.2017 and permit the petitioner to cut and uproot the Seema Karuvella Trees lying in the petitioner's land in Survey No.95/2 which is subdivided as 95/2A,95/2B and 95/2C1 to an extent of 2 Acres, 75 cents situated at Kattimangalam Group, Arasathur village, Thiruvadanai Taluk, Ramanathapuram district, by giving police protection while carrying out the direction of the Division Bench of this Hon'ble Court and order of the Revenue Authorities.

For Petitioner

: Mr.V.R.Venkatesan



For Respondents

: Mr.Aayiram K.Selvakumar
Additional Government Pleader
for R1 to R4

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O R D E R[Order of the Court was made by **M. SATHYANARAYANAN, J.**]

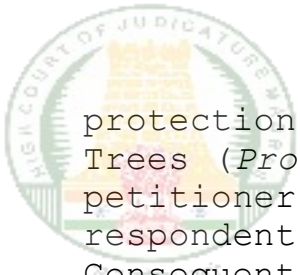
The Writ Petitioner filed a suit in O.S.No.50 of 2008 on the file of the District Munsif cum Judicial Magistrate Court, Thiruvadanai, Ramanathapuram District, against the respondents 5 and 6, praying for permanent injunction restraining them from cutting and removing the trees in Survey No.95/2, patta No.453, Kattimangalam Group, Arasathur village, Thiruvadanai Taluk, Ramanathapuram District, admeasuring an extent of 2.75 acres of punja land. The said suit after contest came to be decreed on 30.11.2010 and according to the learned counsel appearing for the petitioner, no further challenge has been made to the said decree and it has become final. It is the further submission of the learned counsel appearing for the petitioner that the petitioner made an attempt to cut the Seema Karuvella Trees (*Prosopis Juliflora*) from his land. The same was objected to by the respondents 5 and 6 and a representation was submitted in this regard to the official respondents for providing adequate police protection and the same has not been responded at all and therefore, despite having the lawful right, the petitioner approached this Court by way of filing this Writ Petition.

2. This Court heard the submissions of the learned Additional Government Pleader appearing for the respondents 1 to 4 also.

3. A perusal of the judgment dated 30.11.2010 in O.S.No.50 of 2008 on the file of the District Munsif cum Judicial Magistrate Court, Thiruvadanai, would disclose that a categorical finding has been given that the trees lies on the petitioner's land in Survey No.95/2, admeasuring to an extent of 2.75 acres and as such, there cannot be any impediment on his part to cut and remove the said trees.

4. It is also to be pointed out at this juncture that in the absence of challenge to the said judgment and decree dated 30.11.2010 in O.S.No.50 of 2008, the respondents 5 and 6 may not have any serious objection so as to enable the petitioner to adopt the said course.

5. In the result, the Writ Petition is disposed of and the petitioner is directed to provide adequate police



protection only for the purpose of removing the Seema Karuvela Trees (*Prosopis Juliflora*) from the land of the petitioner and the petitioner shall also pay necessary charges to the fourth respondent for providing police protection. No Costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pkn/sj

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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