

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.10204 of 2021
and
W.M.P.Nos. 10830 & 10831 of 2021

A.A.Thangavelu,
A/o. Athappa Gounder

... Petitioner

-Vs-

1. State of Tamil Nadu,
rep. By its Secretary to Government,
Highways Department,
Fort St. George,
Chennai-600 009.
2. The Special District Revenue Officer (LA),
Chennai Kanyakumari Industrial Corridor
Project, No.7, Vijayaraghavan Nagar,
Jahir Ammapalayam, Salem. ... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent herein to determine the valuation of Red Sander Trees standing on the petitioner's land comprised in Survey No.71/1B of Oduvampalayam Village, Thiruchengode Taluk, Namakkal District for the purpose of arriving compensation for the lands and standing trees thereon pursuant to the land acquisition proceedings initiated by the respondent.

For Petitioner : Mr.S.Thirumavalavan

For Respondents: Mr.V.Anandhamoorthy,
Addl. Govt. Pleader

O R D E R

(This case has been heard through video conference)

This Writ Petition has been filed seeking a direction, directing the respondents to determine the valuation of red sander trees standing on the petitioner's land for the purpose

of arriving compensation for the lands and standing trees thereon pursuant to the land acquisition proceedings initiated by the respondent.

2. The grievance of the petitioner is that, the petitioner is the owner of the property in Survey No.71/1B of Oduvampalayam Village, Thiruchengode Taluk, Namakkal District. Earlier, he has planted red sander trees in the above said land. Subsequently, the land was acquired by the 1st respondent for widening road. While fixing the compensation, the authorities are not in a position to fix the value of red sander trees standing in the land. Hence, he has appeared before the 2nd respondent and made a request to appoint an expert to assess the value of red sander trees. Considering his request, the 2nd respondent by an order dated 29.09.2020 appointed an expert to assess the value of red sander trees standing in the land. Thereafter, no order has been passed. Hence, the present Writ Petition has been filed by the petitioner.

3. Notice was issued to the respondents. Today, when the matter taken up for hearing, Mr.V.Anandhamurthy, learned Additional Government Pleader appearing for respondents, on instructions, would submit that in pursuant to the direction issued by the 2nd respondent, the matter was referred to District Forest Officer, Namakkal and the District Forest Officer has sent a reply that since the red sander trees are too young, they were not able to assess the value of trees.

4. The learned counsel appearing for petitioner would submit that in this respect, The Institute of Forest Genetic Resources Tree Breeding, Coimbatore, is an expert in this field and they are only competent to assess the value of red sander trees.

5. I have considered rival submissions and perused the records carefully.

6. Considering the above request, the 2nd respondent is directed to refer the matter to the the Institute of Forest Genetic Resources Tree Breeding, Coimbatore, to assess the value of the trees and get a report within a period of six weeks from the date of receipt of the copy of this order. Thereafter, based on the report submitted by the Institute of Forest Genetic Resources Tree Breeding, Coimbatore, the 2nd respondent is directed to consider the petitioner's request and pass suitable orders on merits in accordance with law. Till then, the

respondents are directed not to cut and remove the trees standing in the petitioner's land. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Secretary to Government,
State of Tamil Nadu,
Highways Department,
Fort St. George,
Chennai-600 009.
2. The Special District Revenue Officer (LA),
Chennai Kanyakumari Industrial Corridor
Project, No.7, Vijayaraghavan Nagar,
Jahir Ammapalayam, Salem.

+1cc to the Government Pleader Sr.26797

W.P.No.10204 of 2021

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srg 08/07/2021

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