

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.NO.12704 OF 2021
AND
W.M.P.NO.13498 OF 2021

P.M.Syed Ahamed

.. Petitioner

Vs.

- 1 The Administrative General
and Official Trustee of Tamil Nadu,
High Court Building, Chennai - 104.
- 2 The Commissioner,
Greater Corporation of Chennai,
Rippon Building,
Chennai 600 003.
- 3 The Regional Deputy Commissioner,
Greater Corporation of Chennai,
No.62, Basin Bridge Road, Basin Bridge
Chidhambaram Nagar,
Chennai 600 001
- 4 The Executive Engineer,
Zone- V, Greater Corporation of Chennai,
No.62, Basin Bridge Road, Basin Bridge,
Chidhambaram Nagar,
Chennai 600 001.
- 5 The Zonal Officer,
Zone- V, Greater Corporation of Chennai,
No.62, Basin Bridge Road, Basin Bridge,
Chidhambaram Nagar,
Chennai 600 001.
- 6 The Assistant Engineer,
Zone V, Greater Corporation of Chennai,
No.62, Basin Bridge Road, Basin Bridge,
Chidhambaram Nagar, Chennai 600 001

.. Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to take immediate action to remove the two trees namely Pipal Tree (Arasamaram) and Neem Tree which are situated at D.No. 79 and 80, Broadway, Chennai 600 001 by considering the petitioner's representation dated 10-5-2021.

For Petitioner : Mr.A.Ilayaperumal

For Respondents : Mrs.Karthikaa Ashok
Stdg.Counsel for RR 2 to 6

ORDER

(Made by Senthilkumar Ramamoorthy, J.)

The petitioner complains of the danger posed by two trees, namely, a Peepal and Neem tree, which are situated at Door Nos.79 and 80, Broadway, Chennai-1.

2. The petitioner states that the aforesaid trees are situated opposite to the Mannadi Metro Station, Chennai and they are under the administrative control of the first respondent herein. The trees are adjacent to an old building and it is stated that there is a strong likelihood that the said building may collapse at any time because of the said trees.

3. The petitioner states that a detailed representation was submitted on 10.05.2021 to the respondents, wherein various incidents relating to the trees, such as the death of a person by hanging therefrom and the hardships faced by passengers of the Metropolitan Transport Corporation were pointed out. In spite of such representation, no action has been taken by the official respondents.

4. Mrs.Karthikaa Ashok, learned standing counsel for the Greater Chennai Corporation, accepts notice on behalf of respondents 2 to 6 and states that the third respondent would be the appropriate authority to consider and dispose of the petitioner's representation dated 10.05.2021.

5. Accordingly, without going into the merits of the matter, the third respondent herein is directed to consider the representation dated 10.05.2021 and dispose of the same by a reasoned order, after providing a reasonable opportunity of hearing to the petitioner, the first respondent herein and any other person who may be affected. While considering the

representation, the third respondent may bear in mind the importance of preserving trees and also examine other less drastic options such as felling specific branches of the trees in question. Such reasoned order shall be passed within a period of eight weeks from the date of receipt of a copy of this order.

W.P.No.12704 of 2021 is disposed of in these terms. There will be no order as to costs. Consequently, W.M.P.No.13498 of 2021 is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

SRA

Sub Assistant Registrar

To:

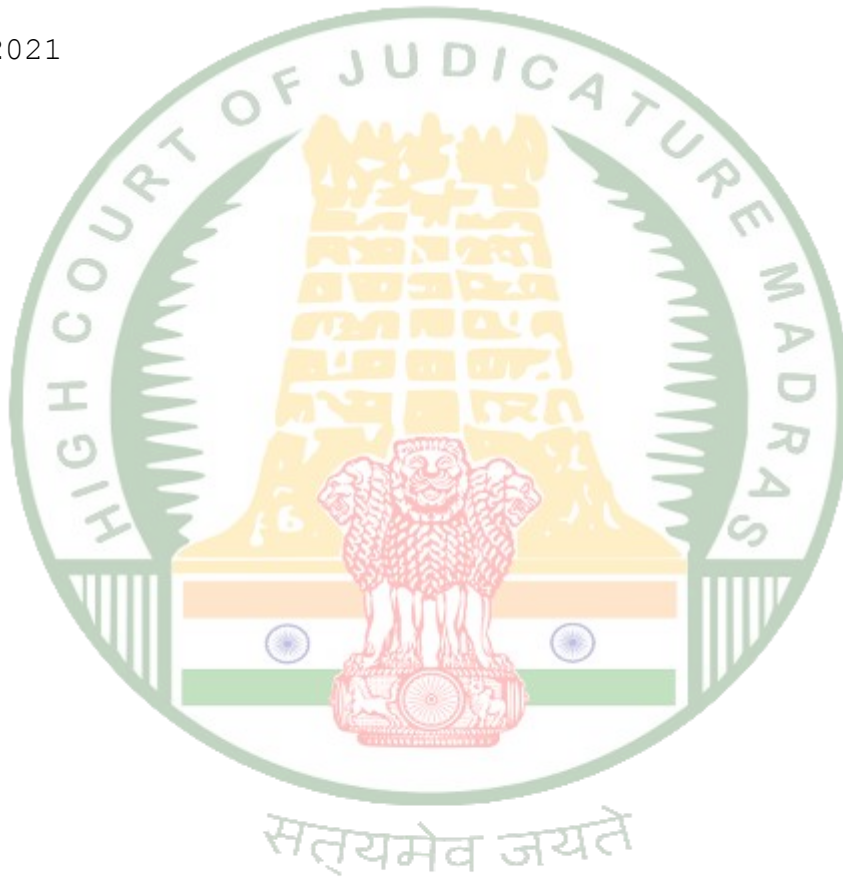
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Chidhambaram Nagar,
Chennai 600 001.

+1cc to Mr.A.Ilayaperumal, Advocate, S.R.No.28047
+1cc to Mrs.Karthikaa Ashok, Advocate, S.R.No.28005
+1cc to the Government Pleader, S.R.No.28036

W.P.No.12704 of 2021

RK(CO)
CS/17/06/2021



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