



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.13460 of 2019

V.Allimuthu

... Petitioner

vs.

The Sub-Collector,
Collectorate Road,
Namakkal - 637 001.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records of the impugned order of the Respondent vide proceedings in Na.Ka.No.67/2016/A6, dated 15.03.2019, and to quash the same to be arbitrary, unreasonable.

For Petitioner : Mr.S.Senthil

For Respondent : Mr.U.Baranidharan,
Additional Government Pleader

O R D E R

Petitioner has come up with the present Writ Petition seeking to quash the impugned order passed by the Respondent vide proceedings in Na.Ka.No.67/2016/A6, dated 15.03.2019.

2. According to the Petitioner, he is the former Headmaster of Government Boys Higher Secondary School (South), Namakkal and served as a Teacher in Government service for 30 years. As the said School was to commemorate its 125th year for which, celebration was being organized by its Alumnus Association, they received considerable funds from Namakkal MLA Constituency Development Fund and Namakkal MP Constituency Development Fund for carrying out construction and renovation of the School building. It is stated by the Petitioner that, the Public Works Department, vide letter dated 02.12.2015, had also given permission for carrying out such construction along with permission for trimming of trees which may cause hindrance during construction. The construction carried out in the School was not only to commemorate its 125th year, but also for the development of the School towards a bright future. Though, the



School has trimmed as much as 70 trees, they are not entirely uprooted and they have started to grow gradually. While so, the Petitioner was shocked to receive the impugned proceedings dated 15.03.2019 passed by the Respondent, calling upon him personally to pay penalty of a sum of Rs.1,33,320/- citing that, trees have been cut down in the School without obtaining prior permission from the Government. Challenging the same, the Petitioner is before this Court with the above Writ Petition.

3. Learned counsel for the Petitioner contended that, the Respondent ought to have seen that, the Petitioner had obtained prior permission from the Public Works Department for trimming branches of the trees and that, the Respondent ought not to have taken action, based on the Report submitted by the Tahsildar. He submitted that, however, the Petitioner has already deposited a sum of Rs.44,440/- towards penalty with the Revenue Divisional Officer, Namakkal and that, he will deposit the balance amount within a period of four weeks from the date of receipt of a copy of the order.

4. Learned Additional Government Pleader appearing for the Respondents brought to the notice of this Court that, the Petitioner obtained an order of interim stay of the impugned proceedings on 30.04.2019.

5. Heard the learned counsel on either side as also the concerned Village Administrative Officer, and perused the material records available on record.

6. Considering the facts and circumstances of the case, this Court, without interfering with the impugned order dated 15.03.2019 passed by the Respondent, directs the Petitioner to pay the balance penalty amount to the Revenue Divisional Officer, Namakkal, within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected W.M.P.No.13574 of 2019 is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

(aeb)



To:

The Sub-Collector,
Collectorate Road,
Namakkal - 637 001.

Copy to:-

The Revenue Divisional Officer, Namakkal.

+lcc to Mr.S.Senthil, Advocate, S.R.No.60576

+lcc to the Government Pleader, S.R.No.60670

W.P.No.13460 of 2019

BR(CO)
CT 24/01/2022