



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2021

CORAM:

WEB COPY

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA**

W.P. (MD) No.3590 of 2021

H.Balathandayudapani

... Petitioner

-vs-

1. The District Collector,
Madurai District,
Madurai.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Usilampatti,
Madurai District.

3. The Executive Engineer,
Public Works Department,
Usilampatti,
Madurai District.

4. The Inspector of Police,
Traffic Department,
Usilampatti,
Madurai District.

5. B.Vinubalan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 4 herein to take necessary action against the fifth respondent by considering the petitioner's representation dated 05.02.2021 within the stipulated time fixed by this Court.

For Petitioner : Mr.A.Arputharaj

For Respondents : Mr.Ka.Mu.Muthu
Additional Government Pleader for R.1 to R.4

Mr.Narayanan Ram for R.5



O R D E R

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

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The petitioner's concern is regarding four very old tamarind trees that have recently been uprooted from in front of a petrol pump in Usilampatti.

2. It is submitted by the official respondents and the private respondent that the trees have been transplanted upon following the appropriate process in accordance with law.

3. W.P.(MD) No.3590 of 2021 is disposed of by directing the relevant Revenue Divisional Officer to inspect where the trees have been transplanted and to satisfy himself that the exact trees uprooted have been transplanted and are nurtured and protected.

4. It will be open to the writ petitioner to make a representation to the relevant Revenue Divisional Officer for the petitioner to accompany such official to inspect the four trees. If such a representation is made, the concerned official will take the writ petitioner along with him and inspect the four trees wherever they have been transplanted. Such exercise should be completed within four weeks of a written request made in such regard by the writ petitioner.

5. In the event the concerned official finds that the transplantation has not been proper or any of the trees has withered away or not survived the ordeal, immediate appropriate action should be taken in accordance with law.

6. W.P.(MD) No.3590 of 2021 is disposed of without any order as to costs.

Sd/-
Assistant Registrar (CS-I)

// True Copy //

/ /2021
Sub Assistant Registrar(CS-)

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,
Madurai District,
Madurai.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Usilampatti,
Madurai District.
3. The Executive Engineer,
Public Works Department,
Usilampatti,
Madurai District.
4. The Inspector of Police,
Traffic Department,
Usilampatti,
Madurai District.

+1 CC to Mr.A.ARPUTHARAJ, Advocate (SR-8818[F] dated 04/03/2021)
+1 CC to Mr.B.NARAYANAN RAM, Advocate (SR-9089[F] dated 05/03/2021)

RR/OGY

TE : 12/03/2021 : 3P/7C

W.P. (MD) No.3590 of 2021
04.03.2021