



WEB COPY

W.P.(MD)Nos.5643 & 5648 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)Nos.5643 & 5648 of 2021

and

W.M.P. (MD)Nos.4478 & 4480 of 2021

Annamma Kurian ... Petitioner in W.P.(MD)No.5643 of 2021

Elizabeth Mathew ... Petitioner in W.P.(MD)No.5648 of 2021

-Vs-

- 1.The District Committee under the
Tamil Nadu Preservation of Private Forest Act, 1949,
Office of the District Collector,
Kanyakumari @ Nagercoil-629 001.
- 2.The District Collector,
Kanyakumari District,
Collectorate, Nagercoil-629 001.
- 3.The Tahsildar,
Velavangodu Taluk,
Kanyakumari District-629 153. ... Respondents in both W.Ps.

Prayer in W.P. (MD)No.5643 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to accord permission to the petitioner to cut the old matured rubber trees and to plant new saplings in the agriculture lands in Survey Nos.75/1 of Kaliyal Village, Velavangodu Taluk, Kanyakumari District.

Prayer in W.P. (MD)No.5648 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to accord permission to the petitioner to cut the old matured rubber trees and to plant new saplings in the agriculture lands in Survey Nos.75/1 and 86/1A of Kaliyal Village, Velavangodu Taluk, Kanyakumari District.

For Petitioner	: Mr.Veerakathiravan Senior Counsel for M/s.Veera Associates
For Respondents (in both W.Ps.)	: Mr.M.Rajarajan Additional Government Pleader



COMMON ORDER

Heard the learned counsel on either side.

2.The petitioners have applied to the respondents seeking permission to cut the rubber trees which are said to be old and mature. The application was given in December 2020.

3.The Additional Government Pleader would state that in view of the proposed holding of the assembly election, the committee meeting could not be convened.

4.The learned Senior Counsel would inform the Court that the petitioners are septuagenarians. He states that if the trees in question are allowed to be cut and the funds could be raised, that would go a long way in meeting their medical expenditure also.

5.Taking note of the facts and circumstance of the case, I direct the second respondent to convene the committee under Tamil Nadu Preservation of Private Forests Act, 1949, within a period of six weeks from the date of receipt of a copy of this order and take a call on the petition mentioned representation.

6.The Writ Petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// 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 Committee under the
Tamil Nadu Preservation of Private Forest Act, 1949,
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2.The District Collector,
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3.The Tahsildar,
Velavangodu Taluk,
Kanyakumari District-629 153.

+2 CC to M/s.VEERA ASSOCIATS, Advocate (SR-11676[F],11673 dated
17/03/2021)

+1 CC to M/s.SPL GP (SR-12008[F],12000 dated 17/03/2021)

W.P.(MD)Nos.5643 & 5648 of 2021
and

W.M.P.(MD)Nos.4478 & 4480 of 2021
16.03.2021

PM(CO)
KB(19.03.2021) 3P 7C