



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2021

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.P. (MD) No.8349 of 2021

Chamundi Bose

.. Petitioner

Vs

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Block Development Officer,
Virudhunagar District,
Virudhunagar.

3. Village Administrative Officer,
Vellaneri Village,
Narikudi block,
Tiruchuli Taluk,
Virudhunagar District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the first respondent to remove the Karuvelam trees in the public path way, as represented by the petitioner in the representation dated 12.02.2020.

For Petitioner : Ms.Chamundi Bose,
(Party in Person)

For respondents : Mr.R.Baskaran,
Government Counsel

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Ms.Chamundi Bose, learned counsel-the petitioner appearing in person and Mr.A.K.Manickam, learned Government Counsel appearing for the respondents.



2. The writ petition has been filed praying for a direction upon the respondents to remove the Karuvelam trees in the public path way, by taking note of the petitioner's representation dated 12.02.2020. In the representation and as well as in the submission before us, the petitioner highlighted that to a small extent of area, a few Karuvelam trees have grown and if the same is cleared and the path way is widened, it will help the villagers to transport agricultural produce and also facilitate free ingress and egress, movement of tractors etc.

3. It is submitted that pursuant to the notice ordered by this Court in this writ petition, the President of the Village Panchayat had visited the area when the petitioner was present and appears to have been satisfied that if the Karuvelam trees are removed, it will facilitate the public of two villagers. The question is who is to bear the cost of removal of those Karuvelam trees. According to the petitioner, the removal of Karuvelam trees will cost no prejudice to anybody, on the contrary, it will be helpful for the villagers and the agriculturists to move freely across the path way and there is sufficient land, all of which are Government poramboke lands. The decision to remove the trees should be taken by the respondents 2 and 3.

4. So far as the cost of removal of trees is concerned, namely, the cost that may be incurred for the purpose of hiring equipment etc., can be borne by the public funds or it can be done based on assistance given by persons like the petitioner, who are of the view that such removal of Karuvelam trees will be in public interest.

5. We direct the respondents 2 and 3 to inspect the area in question in the presence of the President of the Village Panchayat as well as the petitioner, after issuing notice to the petitioner and work out the modalities of removal of Karuvelam trees. This direction be complied with within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

<https://hcservices.ecourts.gov.in/hcservices/>



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,
Virudhunagar District,
Virudhunagar.
2. The Block Development Officer,
Virudhunagar District,
Virudhunagar.
3. Village Administrative Officer,
Vellaneri Village,
Narikudi block,
Tiruchuli Taluk,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-20295[F] dated 25/06/2021)

W.P.(MD) No.8349 of 2021
23.06.2021

PM(CO)
TR(29.06.2021) 3P 5C