



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.06.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.9676 of 2021

P.Jeyaraj

... Petitioner

Vs.

1.The Chief Conservator of Forests,
Dindigul Circle, Velunachiyar Valagam,
Dindigul.

2.The District Forest Officer,
Dindigul Division,
Velunachiyar Complex,
Dindigul.

3.The Forest Ranger,
Kannivadi Forest,
Dindigul Division,
Dindigul.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2nd and 3rd respondents to grant permission to the petitioner to cut the 26 teak wood trees in which located in western side of Survey No.86/2 at Paraipatti Village, Aathur Taluk, Dindigul District which belong to the petitioner.

For Petitioner : Mr.V.Sriram

For Respondents : Mr.P.Thillak Kumar,
Standing Counsel for Government

ORDER

This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the 2nd and 3rd respondents to grant permission to the petitioner to cut the 26 teak wood trees located in western side of Survey No.86/2 at Paraipatti Village, Aathur Taluk, Dindigul District which belong to the petitioner.

2. The brief facts of the case are as follows:

(i) The petitioner is an retired employee of Aavin Dairy Milk Union Dindigul. His father was having vast extent of area of land comprised in Survey No.86/2 at Paraipatti Village Aathoor Taluk, Dindigul District and he died on 02.09.2004 leaving behind Vijaya



Jeyanthi, Jansirani, Sathyaseelan and the petitioner as legal heirs to succeed the above said properties. Subsequently, patta in respect of the said property was changed in the name of the petitioner and his brother Sathyaseelan as joint patta.

(ii) It is the further case of the petitioner that western side of the above said property is in continuous possession and enjoyment of the petitioner as per the oral partition made and twenty six teak wood trees are in the said land. With regard to the above said property, a suit in O.S.No.2012 of 2009 is also pending before the District Munsif Dindigul, wherein the brother of the petitioner filed a written statement stating that the western side of above said Survey No.86/2 belongs to the petitioner, where the teak wood trees are standing.

(iii) While the matter stood thus, the petitioner made an online application to the third respondent on 27.08.2020 seeking permission to cut the said twenty six teak wood trees. Since the said application was not considered, the petitioner made a representation to the respondents 2 and 3 on 21.10.2020. The said representation is said to be still pending without any consideration. Hence, this writ petition.

3. Though a larger prayer has been sought for in the writ petition, when the matter is taken up for hearing today, the learned counsel for the petitioner would state that it would suffice if a direction is given to dispose of the representation of the petitioner.

4. The learned standing counsel for the respondents would state that the representation of the petitioner would be considered within a reasonable time.

5. Considering the submissions of the learned counsel for the petitioner as well as the respondents and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner either in his representation or in this Writ Petition, the second and third respondents are directed to consider the representation of the petitioner dated 21.10.2020, on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: (i) 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 Chief Conservator of Forests,
Dindigul Circle,
Velunachiyar Valagam, Dindigul.

2.The District Forest Officer,
Dindigul Division,
Velunachiyar Complex, Dindigul.

3.The Forest Ranger,
Kannivadi Forest,
Dindigul Division, Dindigul.

+1 CC to M/s.V.SRIRAM, Advocate (SR-20523[F] dated 29/06/2021)

+1 CC to M/s.SPL GP (SR-20739[F] dated 30/06/2021)

W.P(MD)No.9676 of 2021

29.06.2021

MJ(CO)

TR(06.07.2021) 3P 6C