



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2021

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.15801 of 2021

S.Vimala

...Petitioner

-Vs-

1. The Chairman cum District Collector,
Dindigul District,
Hill Areas (Preservation of Trees) Committee,
Office of the District Collector Office,
Dindigul,
Dindigul District.
2. The District Forest Officer,
Office of the District Forest Office,
Kodaikanal,
Dindigul District.
3. The Tahsildar,
Tahsildar Office,
Kodaikanal Taluk,
Dindigul District.
4. The Secretary cum Personal Assistant (General)
to the District Collector,
Office of the District Collector Office,
Dindigul,
Dindigul District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to permit the petitioner for cutting 905 trees situated in S.No.1351, Vadakaunchi Village, Kodaikanal Taluk, Dindigul District and permit the petitioner to transport the same within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi
For Respondents : Mr.R.Sureshkumar
Government Advocate

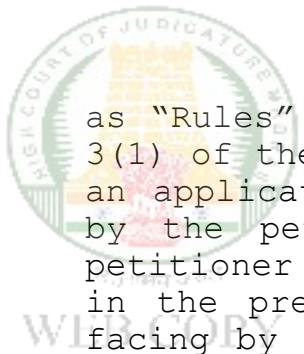
**ORDER**

The prayer sought in this Writ Petition is for a Writ of Mandamus, directing the respondents 1 to 4 to permit the petitioner for cutting 905 trees situated in S.No.1351, Vadakaunchi Village, Kodaikanal Taluk, Dindigul District and permit the petitioner to transport the same within a stipulated time that may be fixed by this Court.

2.The case of the petitioner is that, the petitioner is having agricultural land to the extent of 2.96 ares at the place called Vadakaunchi Village, Kodaikanal Taluk, Dindigul District, wherein, during the lifetime of the petitioner's parents, in the year 1997, they planted Kunguliam saplings and nurtured it and on 29.04.2010, the mother of the petitioner settled the property in favour of the petitioner and patta has also been issued in the name of the petitioner. Therefore, in the said land, the petitioner and her husband continuously nurtured the Kunguliam trees and those trees now are well grown and therefore, in order to cut the said trees and to transport the same, as per the provisions of the Tamil Nadu Hill Areas (Preservation of Trees) Act, 1955 (hereinafter referred as "Act" in short), necessary permission has to be obtained from the Committee headed by the District Collector concerned and other officials and therefore, in order to get such permission, the petitioner claimed that, in the year 2016 itself, she had given application to the District Collector the Committee concerned. However, the said application was not considered. Therefore, subsequently, the petitioner had given various representations and reminders on 17.04.2017, 12.02.2018, 07.10.2019. However, none of these efforts taken by the petitioner since have yielded any desired result, the petitioner, lastly on 06.08.2021 gave a detailed representation to all the respondents, including the first respondent, who is the Chairman of the Dindigul Hill Areas (Preservation of Trees) Committee, ie., the District Collector. Even after that, since no action seems to have been taken on the application or representation of the petitioner, the petitioner has approached this Court by filing the present writ petition with the aforesaid prayer.

3.Heard, Mr.R.Karunanidhi, learned counsel for the petitioner, who, having reiterated the aforesaid facts would seek indulgence of this Court to give a direction to the first respondent to decide the application of petitioner and give permission to the petitioner for cutting the trees.

4.Per Contra, the learned Government Advocate, on instructions, would submit that, if at all the petitioner wants any permission to cut and transport trees from the patta land under the provisions of the Act and the Rules made thereunder, ie., The Tamil Nadu Hill Areas (Preservation of Trees) Rules, 1957, [hereinafter referred to



as "Rules" for short], she has to make an application under Section 3(1) of the Act in Form - I as provided under the Rules. Since such an application has never been filed, according to the respondents, by the petitioner, the said representation merely given by the petitioner cannot be taken into account, as if it is an application in the prescribed format under the Rules. That is the difficulty facing by the respondents for deciding the representation given by the petitioner.

5.I have considered the submissions made by both parties and have perused the materials placed before this court.

6.Now, the only difficulty expressed by the respondents as projected by the learned Government Advocate in considering the representation of the petitioner is that, such an application to seek permission from the District Committee under the Act has to be made by the petitioner under Rule 5 of the Rules in Form-I and if such an application is filed in Form-I under Rule 5 in the prescribed format, then there will no difficulty to the respondents to consider the request of the petitioner and pass orders with regard to the plea of the petitioner for grant of such permission for cutting the trees.

7.In that view of the matter, taking into account the aforesaid factual matrix and having regard to the observations made by this Court, this Court is inclined to dispose of this Writ Petition with the following order:

that the petitioner can make a fresh application in Form-I under Rule 5 of the Tamil Nadu Hill Areas (Preservation of Trees) Rules, 1957, seeking such permission, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such an application in Form-I as indicated above from the petitioner, the first respondent and his Committee shall consider the same and pass orders, after deciding the claim made by the petitioner on the said application, within a period of 12 weeks, thereafter.

8.With these directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)



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+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-28118[F] dated
03/09/2021)

+1 CC to M/s.SPL GP (SR-28183[F] dated 06/09/2021)

W.P. (MD) No.15801 of 2021
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ES (CO)
KB(12.10.2021) 4P 7C