



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.17560 of 2021

and

W.M.P. (MD) .No.14422 of 2021

WEB COPY

S.Natchimuthu

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Superintendent of Police,
Trichy District,
Trichy.

3.The Tahsildar,
Mannatchanallur Taluk,
Mannatchanallur,
Trichy District.

4.The President,
R-840, Mannatchanallur Palm Jaggery
Producers Cooperative Society,
Ethumalai Road,
BSNL Office near
Mannatchanallur,
Trichy District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records related to the order passed by the third respondent in his proceedings in Na.Ka.No.A2/453/2020, dated 07.12.2020 and quash the same as illegal and consequent direction may be issued to the respondents to directing the 1st and 2nd respondents to take appropriate actions on Palmyra tree cutters within stipulated time.

For Petitioner : Mr.T.A.Ebenezer
For Respondents : Mr.K.S.Selva Ganesan,
Counsel for State.

ORDER

The petitioner assails an order of the Tahsildar dated 07.12.2020 by which it was communicated that there is no evidence that the palm trees were felled as also that for the past four (4) years, the Village Administrative Officer had not granted a lease in respect of such palm trees.



2. The petitioner states that he derives income from about sixty (60) palm trees which have been planted on the side of the Melakalpalayam Road, Mannatchanallur through the Village Administrative Office. The petitioner asserts that about four (4) trees were unlawfully felled. Therefore, the petitioner submitted a representation to initiate action and to prevent further felling of trees. The impugned order is assailed on the ground that it was passed without conducting an inquiry and without hearing either the fourth respondent or the petitioner.

3. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of respondents 1 to 3. He submits that the impugned order was passed primarily on the ground that the relevant trees had not been leased out to the petitioner.

4. On the contrary, the petitioner refers to the receipts issued to him even as recently as 10.02.2021. The petitioner also refers to the photographs indicating that trees were felled.

5. Upon considering the aforesaid submissions and on examining the relevant documents, the impugned order is not sustainable inasmuch as there is no indication that the petitioner was provided a reasonable opportunity before such order was issued. In addition, it appears that the photographs and receipts have not been taken into consideration while issuing the impugned order. Consequently, the impugned order is quashed. However, it is noted that the receipts in relation to the income from such trees have been issued to the petitioner for and on behalf of the Madurai Meenakshi Sundareswarar Aalayam. Therefore, the petitioner is permitted to carry a fresh representation jointly with the said Aalayam.

6. Accordingly, W.P.(MD).No.17560 of 2021 is disposed of by permitting the petitioner to carry a fresh representation to the third respondent jointly with the Madurai Meenakshi Sundareswarar Aalayam. Such representation shall be submitted within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt thereof, the third respondent is directed to consider such representation and dispose of the same by a reasoned order within a period of two (2) months from the date of receipt thereof after providing a reasonable opportunity to the petitioner and the fourth respondent. There will be no order as to costs. Consequently, W.M.P.(MD). No.14422 of 2021 is closed.

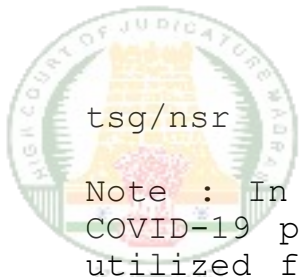
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



tsg/nsr

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,
Trichy District,
Trichy.
- 2.The Superintendent of Police,
Trichy District,
Trichy.
- 3.The Tahsildar,
Mannatchanallur Taluk,
Mannatchanallur,
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- 4.The President,
R-840, Mannatchanallur Palm Jaggery
Producers Cooperative Society,
Ethumalai Road,
BSNL Office near
Mannatchanallur,
Trichy District.

+1 CC to M/s.SPL.GP (SR-30993[F] dated 04/10/2021)

W.P (MD) No.17560 of 2021

and

W.M.P. (MD) .No.14422 of 2021

30.09.2021

SRR(CO)

KB(11.10.2021) 3P 6C