

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM :

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.14963 OF 2022

AND

W.M.P.NO.14187 OF 2022

K.Rajammal

...Petitioner

Vs.

- 1.The District Collector,
The District Collector Office,
Tiruppur District.
- 2.Revenue Divisional Officer,
Revenue Divisional Office,
Udumalpet.
- 3.The Tahsildar,
The Tahsildar Office,
Madathukkulam.
- 4.The Village Administrative Officer,
The Village Administrative Office,
West Kumaralingam,
Madathukkulam Taluk.
- 5.The Executive Officer,
Kumaralingam Town Panchayat,
Kumaralingam,
Madathukkulam Taluk.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein to conduct the personal hearing and to dispose of the petitioner representation dated 06.06.2022 and consequently direct the respondents herein not to cut the long standing trees which are 25 to 30 years old and also not to dig the fertile soil in respect of the petitioner's agricultural land comprised in Survey No.870, measuring an extent of about 5.00 acres at Mathakadi Pudhur, West Kumaralingam, Rudarapalayam, Madathukkulam Taluk, Tiruppur District.

For Petitioner : M/s.R.Gouri
For respondents : Mr.G.Krishna Raja
Additional Government Pleader
Mr.V.Jeevagiridharan for R5

ORDER

This writ petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents herein to conduct the personal hearing and to dispose of the petitioner representation dated 06.06.2022 and consequently direct the respondents herein not to cut the long standing trees which are 25 to 30 years old and also not to dig the fertile soil in respect of the petitioner's agricultural land comprised in Survey No.870, measuring an extent of about 5.00 acres situated at Mathakadi Pudhur, West Kumaralingam, Rudarapalayam, Madathukkulam Taluk, Tiruppur District.

2. The case of the petitioner is that she is the owner of the property in above said survey number admeasuring 5.00 acres situated in said Village. Thereafter, she obtained 2C patta in her favour in respect of 25 coconut trees. However, the petitioner was using the said land for cultivation and planted several trees and has also put up superstructure and obtained electricity connection. It is pertinent to note that the third respondent / Tahsildar in his proceedings dated 01.06.2022, made a recommendation to cancel 2C Patta, cut the trees and dig the soil in respect of S.No.870. While so, the petitioner made a representation dated 06.06.2022, to the respondents requesting them not to cut the trees and also dig the soil of the petitioner's property. Since the same has not been considered by the respondents, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 06.06.2022 and pass orders on merits within a particular time frame to be fixed by this Court.

4. The learned Additional Government Pleader appearing for respondent 1 to 4 and the learned counsel appearing for the fifth respondent have no objection for said order being passed.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the respondents to consider the said representation of the petitioner dated 06.06.2022 and pass appropriate orders, on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as aggrieved persons if any, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above observations and direction, the Writ Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

RAP

To

- 1.The District Collector,
The District Collector Office,
Tiruppur District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Udumalpet.
- 3.The Tahsildar,
The Tahsildar Office,
Madathukkulam.
- 4.The Village Administrative Officer,
The Village Administrative Office,
West Kumaralingam,
Madathukkulam Taluk.
- 5.The Executive Officer,
Kumaralingam Town Panchayat,
Kumaralingam,
Madathukkulam Taluk.

+1cc to Dr.R.Gouri, Advocate Sr.No.36102

+1cc to the Government Pleader Sr.No.37191

W.P.No.14963 of 2022

PMK(CO)
RVM(11/07/2022)