



W.P.(MD).No.11920 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.11920 of 2012

M.P.(MD)No.2 of 2012

P.Katturaja

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Devakottai.

2.Thasildar,
Karaikudi,
Sivagangai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order Na.Ka.A2 3225-2012, dated 06.08.2012, of the first respondent and to quash the same and to direct the respondents to remove the falling trees from the petitioner's house in order to protect the children of the petitioner's family.

For Petitioner : Mr.C.S.Ravichandran

For Respondents : Mr.D.Sasi Kumar
Additional Government Pleader



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ORDER

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The Writ Petition has been filed challenging the order passed by the first respondent herein, wherein, the petitioner was imposed with a compounding fee of a sum of Rs.7,098/- on the ground that the petitioner had cut and removed certain trees in violation of Tamil Nadu Forest Act, 1882.

2. According to the learned Counsel for the petitioner, very old trees which were likely to fall down were standing in front of his house. The petitioner made a representation to the second respondent herein for the removal of the said trees. The said representation of the petitioner was also forwarded and recommended by the second respondent to the first respondent. When the said recommendations were pending before the first respondent, on 12.05.2012, old trees have fallen down. Since the fallen trees were likely to cause damage to the house as well as to the life of the petitioner's family, he has cut the trees and placed the wooden logs in the same place. This act of the petitioner was reported by the second respondent to the first respondent and the first respondent has



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imposed a compounding fee to a sum of Rs.7,098/- under the impugned order.

3.From the narration of the above said facts, it is clear that the petitioner had already complained about the trees five months back. However, no action was initiated by the revenue authorities. On 12.05.2012, the tree had fallen as apprehended by the writ petitioner. He had cut and placed the wooden logs in the same place, in order to avoid damage to his house. In the said circumstances, the imposition of compounding fee on the writ petitioner is not legally sustainable.

4.In view of the above said discussion, the impugned order is set aside and the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No

Tmg

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R.VIJAYAKUMAR ,J.

Tmg

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 Revenue Divisional Officer,
Devakottai.
- 2.Thasildar,
Karaikudi,
Sivagangai District.

Order made in
W.P.(MD).No.11920 of 2012

04.07.2022