



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 09.06.2022
DELIVERED ON : 13.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.8508 of 2011

K.Narayanan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Divisional Forest Officer,
Divisional Forest Office,
Sivagangai,
Sivagangai District.

... Respondents

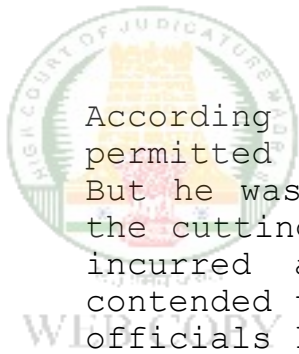
PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent in his proceeding Roc.B2/23312/2010, dated 21.06.2011 and quash the same and consequently direct the first respondent to pay the compensation as claimed by the petitioner.

For Petitioner : M/s.N.Sekar
for Mr.T.Balakumaran
For R-1 & R-2 : Mr.P.Thilak Kumar
Government Pleader
for Mr.M.Ramesh
Government Advocate

ORDER

This Writ Petition has been filed to quash the order passed by the District Collector, under which the request of the petitioner for payment of compensation was rejected and sought for a Mandamus for payment of compensation.

2. The petitioner was the successful bidder in an auction conducted by the second respondent for cutting and removing Velikkaruvai trees in Survey Nos.41/1 and 42 in Aranaiyoor Kanmai, measuring an extent of 13.00 Hectares for the period of 2009-2010.



According to the learned Counsel for the petitioner, he was not permitted to complete the cutting of the trees as per the auction. But he was prevented by the revenue officials from proceeding with the cutting of the trees standing in Survey No.42 and hence, he had incurred a loss of Rs.1,69,500/-. The petitioner has further contended that without any show cause notice or enquiry, the revenue officials have taken away the already cut wood, which can be valued at Rs.1,67,500/-. Since the officials have interfered in the legal right of the petitioner to cut and remove the Karuvelai trees as per the auction of the second respondent, the petitioner gave a representation on 09.11.2010, seeking damages. The said representation was rejected and the said order is under challenge in the present Writ Petition.

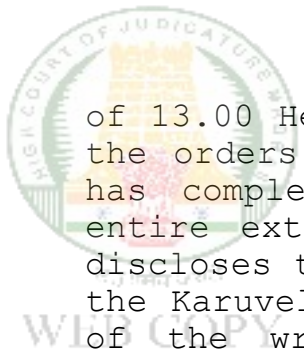
3. The learned Counsel for the petitioner has contended that though he was permitted to cut and remove the trees in Survey No.41, he was not permitted to cut and remove the trees in Survey No.42. He had further contended that already cut and removed trees from Survey No.41 were also seized and taken away by the revenue officials. Hence, he prayed for allowing the Writ Petition.

4. Per contra, the learned Government Pleader appearing for the respondents had contended that Survey Nos.41 and 42 are having a very vast extent. However, only an extent of 13.00 Hectares were auctioned by the second respondent. The writ petitioner has removed the trees beyond this 13.00 Hectares and hence, the revenue officials had to interfere to stop the illegal activities of the writ petitioner. He further contended that the writ petitioner had earlier filed W.P.No.839 of 2011, in which an order was passed, directing the revenue officials and the forest officials to conduct a joint survey to find out the real position. As per the orders of this Court, a joint survey was conducted on 06.05.2011. During the joint survey, it was found that except 10 roots of 16 Karuvelai trees in Survey No.42, all other trees covered under the auction have already been cut and removed by the petitioner. That apart, the petitioner has cut and removed the trees to an extent of 81 cents which is beyond the area which was auctioned. As per the said survey report, there are no further trees in the auctioned area for the petitioner to cut and remove. This survey report was furnished to the learned Counsel for the petitioner and the matter was adjourned to get instructions from his client.

5. On instructions, the learned Counsel for the petitioner submitted that he was not informed about the survey and hence, his client could not participate in the joint survey conducted by the subordinates of the first and second respondents. The learned Counsel for the petitioner further contended that his client was not permitted to cut and remove the trees, as per the auction conducted by the second respondent.

6. I have given an anxious consideration to the submissions made on either side.

7. Admittedly, the writ petitioner is the successful bidder in the auction conducted by the second respondent for cutting and removing Karuvelai trees in Survey Nos.41/1 and 42 to an extent



of 13.00 Hectares. The joint survey which was conducted pursuant to the orders of this Court will clearly indicate that the petitioner has completed the cutting and removing of the trees within the entire extent of 13.00 Hectares. The joint survey report further discloses that beyond the auctioned area, the petitioner has removed the Karuvelai trees to an extent of 81 cents. Hence, the contention of the writ petitioner that he was prevented by the revenue officials from cutting and removing the trees covered by the auction does not seem to be factually correct. When there is no proof that the petitioner was prevented from cutting and removing the trees as per the auction conducted by the second respondent, the first respondent is not liable to pay any damages for the alleged loss of the writ petitioner. Hence, I do not find any merits in the present Writ Petition.

8. The Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

btr

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,
Sivagangai District,
Sivagangai.
- 2.The Divisional Forest Officer,
Divisional Forest Office,
Sivagangai,
Sivagangai District.

+1 CC to M/s.SPL.GP. (SR-25595[F] dated 14/06/2022)

W.P(MD)No.8508 of 2011
13.06.2022

MGJ(21.06.2022) 3P 4C