



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1341 of 2022

S.Thangathurai

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Conservator of Forest,
Virudhunagar Circle,
Collectorate,
Virudhunagar-626 002.

3.The Thasildar,
Kariyapatti Taluk,
Kariyapatti,
Virudhunagar District.

4.The Inspector of Police,
Kariyapatti Police Station,
Kariyapatti,
Virudhunagar District.

5.S.C.Saravanan

... Respondents

Prayer: Writ Petition is filed under Article 226 Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 4 to take severe action against the fifth respondent including register a case against the fifth respondent for theft of palm trees in the Ariyanendhal Village based upon the complaint made by the petitioner dated 19.01.2022 for cutting the palm trees in Ariyanendhal Village, Kariyapatti Taluk, Virudhunagar District belonging to the Arulmigu Amuthalingeshwar - Muthu Mariamman Temple and belonging to the Government.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.E.Antony Sahaya Prabahar

Additional Public Prosecutor for R.1 to R.4

Mr.S.Parthasarathy for R.5



O R D E R

Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent.

2. This Court also heard Mr.A.V.Arun, who did not file any formal petition to intervene in the proceedings. The case of the petitioner is that on the petition mentioned lands, number of palm trees were standing and they have been unlawfully cut and removed and sold away by the fifth respondent. In this regard, the petitioner had given a complaint and since action was not taken, the present the Writ petition has been filed. The writ petition is liable to be dismissed for more reasons than one.

a) As rightly pointed out by the learned Government Advocate, the complaint itself appears to have been given only on 11.01.2022. This writ petition has been filed on 21.01.2022. It has been held time and again, that Writ of Mandamus can be filed only, if the authorities have not acted in the matter within the sufficient time. In this case, the petitioner rushed to the Court without giving sufficient time to the authorities.

b) The learned counsel for the fifth respondent and the learned counsel for the intervenor would point out that the petitioner is a member of Aruppukottai Nadarkal Uravin Murai Pothu Abiviruthi Trust, which owns the land in question. They firmly assert that only dried and dead trees have been cut and removed and live trees have not been felled.

3. I do not want to go into the factual controversies. How to manage the trees lying within their land is left to the land owner concerned. There appears to be substance in the contention of the learned counsel for the fifth respondent and the learned counsel for the intervenor that the petitioner did not have a happy relationship with the current management of the society and that is why, the present writ petition has been filed. No case has been made out for giving the direction as sought for. The writ petition stands dismissed. No costs.

Sd/-

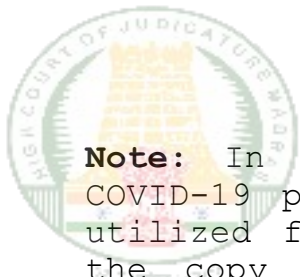
Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

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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,
Virudhunagar District,
Virudhunagar.
- 2.The Conservator of Forest,
Virudhunagar Circle,
Collectorate,
Virudhunagar-626 002.
- 3.The Thasildar,
Kariyapatti Taluk,
Kariyapatti,
Virudhunagar District.
- 4.The Inspector of Police,
Kariyapatti Police Station,
Kariyapatti,
Virudhunagar District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-2669[F] dated 27/01/2022)
W.P (MD)No.1341 of 2022
25.01.2022

DKS (CO)
GC (09.03.2022) 3P 7C