



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3914 of 2022

and

W.M.P.[MD]No.3369 of 2022

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Shanmugam

... Petitioner

/Vs./

1. The District Collector,
Pudukkottai District,
Pudukkottai.
2. The Executive Engineer,
PWD-WRO,
South Vellar Basin Sub Division,
Pudukkottai District,
Pudukkottai.
3. The Assistant Engineer,
PWD-WRO,
Irrigation Division,
Karaiyur, South Vellar Basin Sub Division,
Thirumayam,
Pudukkottai District.
4. The Tahsildar,
Ponamaravathi Temple,
Pudukkottai District.

5. Shanmugam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents 1 & 2 to conduct the enquiry on the basis of the petitioner's representation dated 10.01.2022 and conduct a fresh auction for the cutting of the above Seemai Kariveli Trees in Illani Kanmai in Survey Nos. Survey No.391/5 and 391/3 of Nallur Village, Ponmaravathi Taluk, Pudukkottai District.

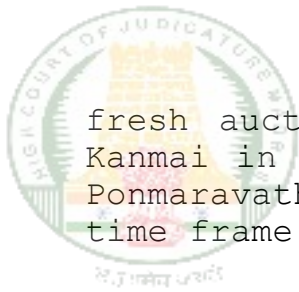
For Petitioner : Mr.R.Paranjothi

For Respondents : Mr.B.Saravanan

Additional Government Pleader
for R1 to R4

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 & 2 to conduct enquiry on the basis of the petitioner's representation dated 10.01.2022 and conduct a



fresh auction for cutting of the Seemai Kariveli Trees in Illani Kanmai in Survey Nos. Survey No.391/5 and 391/3 of Nallur Village, Ponmaravathi Taluk, Pudukkottai District, and pass orders, within a time frame to be fixed by this Court.

2.It is the contention of the petitioner that secretly without giving wide publicity, auctions are being conducted for cutting of Seemai Kariveli Trees in Illani Kanmai in Survey Nos.391/5 and 391/3 of Nallur Village, Ponmaravathi Taluk, Pudukkottai District. It is also the contention of the petitioner that the EMD amount fixed under the auction is less and it has to be increased. In such circumstances, the petitioner has given a representation to the respondents 1 and 2 on 10.01.2022. Since the representation has not been considered till date, he has filed this writ petition.

3.Heard Mr.R.Paranjothi, learned Counsel for the writ petitioner and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the official respondents.

4.The learned Additional Government Pleader appearing for the official respondents, on instructions, would submit that the auction has already been completed on 27.12.2021.

5.For this submission, the learned counsel appearing for the petitioner submits that he is not challenging the recently conducted auction and the petitioner desires that in future, wide publicity would be given before issuing auction notification for cutting of Seemai Kariveli Trees in the aforementioned survey numbers. The said statement is recorded. According to the petitioner, he has given a representation dated 10.01.2022 to the respondents 1 and 2.

6.No prejudice would be caused to the official respondents, if the representation of the petitioner dated 10.01.2022 is considered on merits and in accordance with law, as the contentions raised by the petitioner in the affidavit filed in support of this writ petition are only in public interest. However, it is for the official respondents to consider the same on merits and in accordance with law.

7.Accordingly, this Court directs the second respondent to consider the representation of the petitioner dated 10.01.2022 requesting the official respondents to give wide publicity for the auction notification in respect of cutting the Seemai Kariveli Trees in Survey Nos.391/5 and 391/3 of Nallur Village, Ponmaravathi Taluk, Pudukkottai District, and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of twelve [12] weeks from the date of receipt of a copy of this order.



8. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (As)

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// True Copy //

/ /2022

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,
Pudukkottai District, Pudukkottai.
2. The Executive Engineer,
PWD-WRO,
South Vellar Basin Sub Division,
Pudukkottai District, Pudukkottai.
3. The Assistant Engineer,
PWD-WRO, Irrigation Division,
Karaiyur, South Vellar Basin Sub Division,
Thirumayam, Pudukkottai District.
4. The Tahsildar,
Ponamaravathi Temple,
Pudukkottai District.

+1 CC to M/s.SPL GP (SR-10152[F] dated 04/03/2022)

W.P. [MD]No.3914 of 2022

03.03.2022

MGJ(04.04.2022) 3P 6C