



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P. (MD) No.6176 of 2022

S.Yesudhas

... Petitioner

/vs./

1.The District Collector,
Kanyakumari District at
Nagercoil.

2.The District Forest Officer,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to grant permission to slaughter the rubber trees and other trees planted by the petitioner and standing at Re-Survey No.602 of Therisanamcode village, Thovalai Taluk, Kanyakumari District by considering the representation of the petitioner dated 24.02.2022 within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

This Writ Petition has been filed for a Mandamus to direct the respondents to grant permission to slaughter the rubber trees and other trees planted by the petitioner situated in Re.S.No.602 at Therisanamcode village, Thovalai Taluk, Kanyakumari District by considering the representation of the petitioner dated 24.02.2022.

2.The petitioner has suffered a dismissal order in a suit filed against the forest department and the second appeals were also dismissed.

3.It is the case of the petitioner that the petitioner has been in possession of the property and that the petitioner had planted several rubber trees and therefore, the petitioner should be allowed to take monetize by cutting and selling the rubber trees. Under these circumstances, the petitioner has sent a representation to the 2nd respondent on 24.02.2022. Since the 2nd respondent has not responded to the petitioner's representation, the present writ petition has been filed.



4. Opposing the prayer, the learned Government Pleader for the respondents submits that there are no document to show that the petitioner was in possession of the vast extent of the land measuring about 18 acres and that the petitioner cannot have any right to cut the rubber trees, which are in the forest land.

5. The argument of the learned Government Pleader appears to be reasonable. However, considering the fact that the petitioner's representation to the 2nd respondent has not evoked any response so far, I am inclined to direct the 2nd respondent to dispose of the petitioner's representation dated 24.02.2022 on merits and in accordance with law, after considering all the relevant factors and the provisions of law. This exercise shall be carried out by the 2nd respondent within a period of 8 weeks from the date of receipt of a copy of this order. The petitioner may produce any other evidence, which the petitioner may have to substantiate that the petitioner had purchased saplings and planted rubber trees in the forest land. The petitioner shall also be heard in person, before passing such orders by the 2nd respondent.

6. The writ petition stands disposed of, in terms of the above observations. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Kanyakumari District at Nagercoil.

2. The District Forest Officer,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.SPL.GP (SR-16724[F] dated 05/04/2022)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-16773[F] dated 06/04/2022)

W.P. (MD) No.6176 of 2022
05.04.2022

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