



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.7888 of 2022

G.Subramanian

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

2.The Tahsildar,
Karaikudi Taluk,
Karaikudi, Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to grant permission to cut and remove the neem tree standing in front of the vacant plot in T.S.288B, Ward No.18, Karaikudi Municipality, Sivagangai District and consequently, consider the representation dated 16.03.2020.

For Petitioner

: Mr.S.Sankar

for Mr.P.Arun Jayatram

For Respondents

: Mr.M.Lingadurai

Special Government Pleader

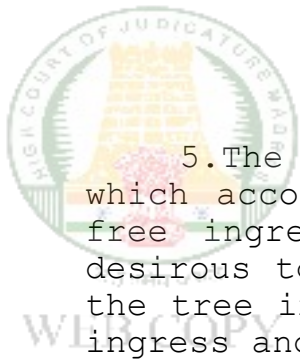
O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to grant permission to the petitioner to cut and remove the neem tree standing in front of the vacant plot in T.S.288B, Ward No.18, Karaikudi Municipality, Sivagangai District, based on his representation, dated 16.03.2020, within a time frame to be fixed by this Court.

2.The petitioner claims that he is the absolute owner of the above mentioned property. According to him, there is a big neem tree in front of his property, which is obstructing his free ingress and egress to his property. According to him, he is desirous of putting up construction in his property. He has given a representation on 16.03.2020, with the respondents, requesting permission for cutting the neem tree. Since the representation has not been considered till date, he has filed this writ petition.

3.Heard Mr.S.Sankar, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents.

4.At the outset, the learned Special Government Pleader appearing for the respondents, on instructions, would submit that since the representation given by the petitioner is a very old representation, he has to give a fresh representation. The said statement is recorded.



5.The petitioner has filed photographs of the subject tree, which according to him, is in front of his property affecting his free ingress and egress. The petitioner also claims that he is desirous to put up construction in his property and the presence of the tree in front of the property will affect the petitioner's free ingress and egress.

6.No prejudice will be caused to the respondents, if the petitioner is permitted to submit a fresh representation to the respondents, seeking permission to cut and remove the neem tree standing in front of his property and the respondents to consider the same on merits and in accordance with law.

7.For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the first respondent, seeking permission to cut and remove the neem tree standing in front of the vacant plot in T.S.288B, Ward No.18, Karaikudi Municipality, Sivagangai District, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the first respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of four weeks, thereafter.

8.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

To

1.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

2.The Tahsildar, Karaikudi Taluk,
Karaikudi, Sivagangai District.

+1 CC to M/s.P.ARUN JAYATRAM, Advocate (SR-20838[F] dated
25/04/2022)

+1 CC to M/s.SPL.GP. (SR-21191[F] dated 26/04/2022)

W.P. (MD)No.7888 of 2022

25.04.2022

MGJ(16.05.2022) 2P 5C

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