



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.05.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. [MD]No.9783 of 2022

P.Sathiyaseelan

... Petitioner

Vs.

1.Chief Conservator of Forests,
Dindigul Circle,
Dindigul.

2.District Forest Officer,
Dindigul Division,
Dindigul.

3.Forest Ranger,
Kannivadi Forest Range,
Dindigul District.

4.P.Jeyaraj

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to consider the petitioner's representation dated 22.03.2022 to not to remove the teak wood trees in S.No.77/5B and 86/2A in Paraipatti Village, Aathoor Taluk and Dindigul District.

For Petitioner : Mr.N.Shyllappa Kalyan

For R1 to R3 : Mr.N.Ramesh Arumugam,
Government Advocate

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The writ petition has been filed to direct the respondents 1 to 3 to consider the petitioner's representation dated 22.03.2022 not to remove the teak wood trees in S.No.77/5B and 86/2A in Paraipatti Village, Aathoor Taluk, Dindigul District.



3.The learned counsel for the petitioner submitted that the property in Survey No.77/5B and 86/2A in Paraipatti Village, Aathoor Taluk, Dindigul District belongs to both the petitioner as well as the fourth respondent, who is his brother. In their names, a joint patta has also been issued by the revenue authorities. Thereafter, a dispute arose between the petitioner and his brother fourth respondent. Hence, the fourth respondent filed a suit for partition in O.S.No.212 of 2009 on the file of the District Munsif Court, Dindigul and the same was transferred to District Munsif Court, Aathoor, which is pending till date. Pending the suit, the fourth respondent filed a writ petition in WP(MD) No.14828 of 2021 before this Court directing the forest officials to grant permission to remove the teak wood from the property in dispute. This Court, vide order dated 22.09.2021, disposed of the writ petition with a direction to the second respondent to consider the representation after giving sufficient opportunity of hearing to the parties concerned. Pursuant to the direction of this Court, the second respondent issued a notice dated 23.10.2021 calling for objection from the petitioner and the fourth respondent. Thereafter, the petitioner gave his objection for the same. Even thereafter, the petitioner's brother and other officials are trying to create encumbrances not only to remove the teak wood trees, but also by changing the patta in his name. Hence, the petitioner made a representation to the second respondent on 22.03.2022 not to remove the teak wood trees from the disputed property till the disposal of the civil suit. However, the said representation has not been considered by the second respondent till date. Therefore, the petitioner is before this Court.

4.The learned Government Advocate appearing for the respondents 1 to 3 would fairly submit that the representation of the petitioner will be considered on merits and in accordance within a time frame as fixed by this Court.

5.In view of the submissions made by the learned counsel appearing on either side, this Court directs the second respondent to consider the petitioner's representation, dated 22.03.2022 and pass appropriate orders within a period of four (4) weeks from the date of receipt of a copy of this order on merits and in accordance with law.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Vacation Officer/
Assistant Registrar (CS I)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)



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.Chief Conservator of Forests,
Dindigul Circle,
Dindigul.
- 2.District Forest Officer,
Dindigul Division,
Dindigul.
- 3.Forest Ranger,
Kannivadi Forest Range,
Dindigul District.

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MGJ(19.05.2022) 3P 4C