



W.P.(Md) No.13499 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 29.08.2022

PRONOUNCED ON : 11.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE **G.R. SWAMINATHAN**

W.P. (MD) No.13499 of 2022

Dhanasekaran.S.

... Petitioner

-Vs-

1.The District Collector
Sivagangai District
Sivagangai District.

2.The Tahsildar
Kalaiyarkovil Taluk
Sivagangai District.

3.The Block Development Officer
(Village Panchayats) Kalaiyarkovil
Union, Sivagangai District.

4.The Executive Officer / President
Kalaiyarkovil Village Panchayat
Sivagangai District.

5.The Principal Secretary of Government
Department of Environment and Forests
Secretariat, Chennai
(R5 is suo motu impleaded vide order
dated 29.06.2022 by GRSJ)

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to pass suitable



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orders to remove the neem tree situated in the 16 Feet Road, Opposite to the house of the petitioner at Door No.3256, S.S.Nagar, Kalaiyarkovil, Sivagangai District, as per the resolution dated 29.10.2021 passed by the 4th respondent within a time frame as may be fixed by this Hon'ble Court.

For Petitioner : Mr.A.Mohan
For Respondents : Mr.K.Balasubramani,
Special Government Pleader-for R1, R2 & R5
Mr.Suriyananth.G – for RR 3 and 4
Mr.S.P.Vijay Nivas – for impleaded respondent

ORDER

The writ petitioner is an ex-serviceman. He is a permanent resident of S.S.Nagar, Kalaiyarkovil. He constructed a house in the year 2000. He claims that he is being put to hardship on account of the non-removal of a neem tree standing in front of the house in the middle of 16 Feet Road. He had petitioned the District Collector on the Public Grievances Redressal Day. The petition was forwarded to the Block Development Officer (VP), Kalaiyarkovil. He in turn forwarded the petition to the local body. Since no action has been taken the present writ petition has been filed.

2. The petitioner in his affidavit alleges that the said neem tree is not beneficial to the public. On the other hand it is being a hindrance. I am not



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able to appreciate the stand taken by the writ petitioner. Even a little child knows how useful trees are to mankind. Photographs indicating the location of the tree were produced before me. It could be seen therefrom that the tree is located at the end of a lane that is more a cul de sac. The policy of the Government is that more number of trees must be planted. The petitioner on the other hand wants a standing tree to be cut. The tree would not have grown on a single day. The photographs indicate that it must be atleast 10 years old. The writ petitioner has no legal right to demand that it must be cut. Only if there is a legal right, this Court can issue a writ of Mandamus and not otherwise. In this age of environmental jurisprudence when the tree in question does not pose any safety issue, granting the relief sought for will not be in public interest. The writ petition is dismissed. No costs.

11.10.2022

Index : Yes/No

Internet : Yes/No

KST



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G.R. SWAMINATHAN, J.

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