



W.P.(MD)No.21431 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.11.2022

CORAM

**THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN**

Writ Petition (MD) No.21431 of 2022  
and  
W.M.P.(MD)Nos.15578 and 15580 of 2022

Alagar, S/o.Seerangan

.. Petitioner

Versus

- 1.The District Collector,  
Sivagangai,  
Sivagangai District.
- 2.The Revenue Divisional Officer,  
Sivagangai, Sivagangai District.
- 3.The Tahsildar,  
Taluk Office,  
Sivagangai Taluk,  
Sivagangai District.
- 4.The Block Development Officer,  
Sivagangai Union,  
Sivagangai District,  
Sivagangai.
- 5.C.Muthukumar,  
Village Administrative Officer,  
Keezhakandani,  
Sivagangai District.
- 6.Senthilkumar,  
Taluk Surveyor,  
Taluk Office,  
Sivagangai, Sivagangai District.

<https://www.mhc.tn.gov.in/judis>

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7.A.Solaiyappan,  
S/o.Aliyathan,  
President of Arasani Muthupatti Panchayat,  
Sivagangai, Sivagangai District.

8.Thiyagarajan, S/o.Kasthuri

9.Rengabalan, S/o.Thiyagarajan

10.Senthil, S/o.Thiyagarajan

.. Respondents

**Prayer:-**Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3, to take action against the respondents 5 to 7 for their unlawful activities of surveying and unlawfully uprooted the petitioner's Fruits Tree, Teak Tree, Neem Tree, Guava Tree, Morinda Tinctoria Tree from his land, bearing Survey No. 334/6, Patta No. 27, situated at Keezhakandani Village, Sivagangai Taluk, Sivagangai District, by considering the petitioner's representation, dated 30.08.2022.

|                                |   |                                                     |
|--------------------------------|---|-----------------------------------------------------|
| For Petitioner                 | : | Mr.A.Vedhagiri                                      |
| For Respondents 1 to 3         | : | Mr.D.Gandhiraj<br>Special Government Pleader        |
| For 4 <sup>th</sup> Respondent | : | Ms.D.Farjana Ghoushia<br>Special Government Pleader |
| For Respondents 8 to 10        | : | Mr.P.Thiyagarajan                                   |

### **ORDER**

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents 1 to 3, to take action against the respondents 5 to 7 for their unlawful activities of surveying and unlawfully uprooting his Fruits Tree,



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Teak Tree, Neem Tree, Guava Tree, Morinda Tinctoria Tree from his land, bearing Survey No. 334/6, Patta No. 27, situated at Keezhakandani Village, Sivagangai Taluk, Sivagangai District, by considering his representation, dated 30.08.2022.

2. According to the learned counsel for the petitioner, the respondents 5 and 6 under the influence of the seventh respondent, without any notice, surveyed and uprooted the trees standing in the petitioner's land in S.No.334/6, situated at Keezhakandani Village, Sivagangai Taluk, Sivagangai District. Hence, the petitioner sent a representation dated 30.08.2022 to the respondents 1 to 3 for taking action against the respondents 5 to 7. Since the same has not been considered so far, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

3. Today, when the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents 1 to 3 submits that the petitioner has planted coconut saplings in S.No.334/5, which has been classified as 'Pathway' in the Village accounts and therefore, the petitioner cannot claim any right to plant coconut saplings in the said pathway. The petitioner has been blocking the pathway by claiming right and planting trees and the revenue authorities have rightly uprooted the trees.



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4. Recording the aforesaid submission made by the learned Special Government Pleader appearing for the respondents 1 to 3, this Writ Petition is dismissed as devoid of merits. No costs. The petitioner seeks liberty to approach the Civil Court to establish his claim and this Court is of the view that it is left open to him to approach the competent Civil Court to redress his grievance, in the manner known to law. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes/No  
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24.11.2022

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**V.BHAVANI SUBBAROYAN, J.**

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Order made in  
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