



W.P.(MD)No.24196 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2022

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THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.24196 of 2022
and
W.M.P.(MD)No.18309 of 2022

P.S.Preejitha

.. Petitioner

Versus

1.The District Collector,
Kanyakumari District,
at Nagercoil.

2.The Sub-Collector,
Padmanabhapuram,
at Thuckalay,
Kanyakumari District.

3.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

4.The Executive Officer,
Edaicode Town Panchayat,
Edaicode,
Kanyakumari District.

.. Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents or any person claiming through them, in any manner, from cutting the thirty year old Red Cotton Tree, standing in Survey No.460, Andukodu 'A' Village, Vilavancode Taluk, Kanyakumari District, adjacent to the Mutharamman Temple, under the



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guise of obstructing electric lines, thereby, considering the representations of the petitioner, dated 05.08.2022 and 22.09.2022, by allowing the writ petition.

For Petitioner : Mr.G.Aravinthan

For Respondents 1 to 3 : Mr.D.Gandhiraj
Special Government Pleader

For 4th Respondent : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, forbearing the respondents or any person claiming through them, in any manner, from cutting the thirty year old Red Cotton Tree, standing in Survey No.460, Andukodu 'A' Village, Vilavancode Taluk, Kanyakumari District, adjacent to the Mutharamman Temple, under the guise of obstructing electric lines, thereby, considering the representations of the petitioner, dated 05.08.2022 and 22.09.2022.

2. Heard Mr.G.Aravinthan, learned counsel appearing for the petitioner; Mr.D.Gandhiraj, learned Special Government Pleader appearing for the respondents 1 to 3; and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the fourth respondent.



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3. According to the learned counsel for the petitioner, the petitioner is a 13th Ward Councillor, Edaikodu Town Panchayat. In the said Ward, adjacent to the Mutharamman Temple, a very big Red Cotton Tree is standing for more than 30 years. The said tree is neither causing any hindrance nor causing any disturbance to the general public. In the said circumstances, based on a representation given by a person, a tender notification has been issued to cut the said tree on 06.10.2022. Hence, the petitioner gave representations dated 05.08.2022 and 22.09.2022, to the respondents 1 to 4, requesting them not to cut the tree and suggested them to cut only the branches, which they apprehend to cause hindrance to the electric lines. Since the same has not been considered so far, the petitioner has filed the present Writ Petition for the relief stated supra.

4. Today, when the matter is taken up for hearing, the learned Government Advocate appearing for the fourth respondent, has produced a proceeding of the District Forest Officer-cum-Conservator of Forests, Kanayakumari, in Na.Ka.No.11941/2022/L1, dated 16.11.2022, and submitted that, on enquiry, it was found that the said tree is not causing any hindrance to the general public and the District Forest Officer has recommended only to remove the prune tree branches.



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5. Recording the aforesaid submission made by the learned Government

Advocate appearing for the fourth respondent, this Court directs the respondents not to cut the said tree and to remove only the prune tree branches alone, which has been spreading into the main road.

6. This Writ Petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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