



W.P.No.9503 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

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THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.9503 of 2023
and WMP.Nos.9569 & 9570 of 2023

1. K.Yougandhar
2. K.Subbrathnamma

... Petitioners

Vs.

1. The Sub Collector
Tiruvallur District, Chennai.

2. The Tahsildar,
Gummidipoondi Taluk,
Tiruvallur District, Chennai.

3. The Revenue Inspector,
Mahadarapakkam Village,
Tiruvallur District, Chennai.

...Respondents

The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus direct the 2nd and 3rd Respondents to permit the petitioner to cut the trees in S.No. 246/1 Melpakkam Village Hamlet of No. 9, Eguvarpalayam Group-II Revenue Village, Gummindipoondi Taluk , Tiruvallur District and take necessary action based on the complaint given by the 3rd party with regard to S.No. 101/3 of Melpakkam Hamlet of Nos. 9, Eguvarpalayam Group-II Revenue



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Village Gummindipoondi Taluk, Tiruvallur District.

For Petitioner : M/s.R.Udhayakumar

For Respondents : Mr.M.Alagu Gautham, GA

ORDER

This writ petition has been filed seeking a direction to the 2nd and 3rd Respondents to permit the petitioner to cut the trees in S.No. 246/1 Melpakkam Village Hamlet of No. 9, Eguvarpalayam Group-II Revenue Village, Gummindipoondi Taluk, Tiruvallur District and take necessary action based on the complaint given by the 3rd party with regard to S.No. 101/3 of Melpakkam Hamlet of Nos. 9, Eguvarpalayam Group-II Revenue Village, Gummindipoondi Taluk, Tiruvallur District.

2. It is the grievance of the petitioner that there is an anadheenam lands in S.No.246/1 ad-measuring an extent of 2.5 acres situated at Melpakkam Village, Hamlet of No.9, Eguvarpalayam Group-II Revenue Village, Gummindipoondi Taluk, Tiruvallur District and the petitioners are in possession of the said land and they have cultivated eucalyptus trees on it by paying B-memo charges. While so, when the eucalyptus



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trees were fit for cutting, the villagers prevented them from doing so by filing a false complaint through a third party, viz., S.B.Gandhi, who is not connected to the land. While so, the petitioners were unable to cut the trees owing to the order passed in the false complaint of the third party. Despite the same, the third party had filed yet another compliant dated 25.10.2022 stating that the petitioners had had cut the trees and had also cut the trees in Sno.101/3 which belongs to the Forest Department. However, the petitioner wife had issued a letter stating that the land in S.No.101/3 were originally classified as Kalmedu and have been wrongly updated as forest lands. As such, the false complaint was filed by an unconnected third party with ill intension to extract money and unnecessarily cause hardship to the petitioners. Hence, the petitioners have preferred the present writ petition seeking a direction to the respondents 2 & 3 to permit them to cut the trees planted by them.

3. The learned counsel for the petitioners submitted that they are in possession of the property in S.No.246/1 by paying proper charge to the Revenue Department and the petitioners have been wrongly portrayed as



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a land grabber holding government land without permission and consequently, attempting to gain unlawfully by cutting trees. Therefore, this Court may direct the respondents to permit the petitioners to cut the trees.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. Admittedly, the land in S.No.246/1 is classified as Annadeenam land and the petitioner has no title in respect of the property. The petitioner is also admitted that there is no title in respect of the subject property.

6. On perusal of the materials and in view of the submission, the petitioners did not produce any license to plant the trees and therefore, they could not claim any right to cut the trees. However, restraining order was passed by the Tahsildar, vide proceeding dated 08.02.2019 stating that till passing the final order, the petitioners shall not cut the trees.



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Without challenging the restraint order, the petitioner has filed the petition for mandamus, which is not sustainable one. Hence, this Court cannot be granted the prayer sought for by the petitioner and this Court has no hesitation to dismiss the writ petition.

7. In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

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Index: yes / no

Internet : yes / no

Speaking / Non speaking order

To

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