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W.P.No.31695 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31695 of 2017

K.R.Sivaraj

.. Petitioner

VS

1. The District Collector
Uthagamandalam District
Uthagamandalam.
2. The Revenue Divisional Officer
Coonoor, Uthagamandalam District.
3. The Tahsildhar
Kothagiri Taluk
Uthagamandalam District.
4. The Revenue Inspector
Kothagiri Sub Division
Kothagiri, Uthagamandalam District.
5. The Village Administrative Officer
Naduhatty – 1 Village
Kothagiri Taluk
Uthagamandalam District.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus, forbearing the respondents or their subordinates from interfering with the agricultural activities of the petitioner in the patta land Old Survey No.845/1 and New Survey No.1099/3 situate at Naduhatty Village, Kothagiri Taluk, Uthagamandalam District admeasuring to an extent of 50 cents and 83 cents of Tea garden in to parcels by using KOBOTA U 30 -5 (29HP).

For the Petitioner : Mr.N.Anand

For the Respondents : Mr.S.Ravichandran
Additional Government Pleader
for respondents 1 to 5

ORDER

The prayer sought for in the present writ petition is to forbear the respondents or their subordinates from interfering with the agricultural activities of the petitioner in the patta land Old Survey No.845/1 and New Survey No.1099/3 situated at Naduhatty Village, Kothagiri Taluk, Uthagamandalam District measuring to an extent of 50 cents and 83 cents of tea garden in to parcels by using KOBOTA U 30 -5 (29HP).

2. The grievances of the writ petitioner is with regard to the usage of



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KOBOTA U 30 -5 (29 HP) machine for agricultural purposes, which cannot be adjudicated before the High Court in a writ proceedings. The adjudication in this regard is to be done with reference to the statute and Rules in force and the petitioner has to establish that he has not committed any violation or irregularities. Since the regulations are to be followed in the matter of granting permission to use a machine with particular capacity, the petitioner has to approach the competent authority for the purpose of adjudication and passing orders.

3. The learned Additional Government Pleader brought to the notice of this Court that the area is earmarked as an elephant corridor and the authorities are open to take note of this factor.

4. This being the factum placed before this Court, the petitioner is at liberty to approach the competent authority for the purpose of grant of permission and establish his case through documents and evidences. On receipt of the same, the competent authority shall decide the same on merits



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and in accordance with law.

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5. With these directions, the writ petition is disposed of. There will be
no order as to costs.

Index : Yes/No

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Neutral Order: Yes/No

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S.M.SUBRAMANIAM,J.

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