



W.P(MD)No.246 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.246 of 2022

M.Selvam

... Petitioner

Vs

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

2.The Revenue Divisional Officer,
Kanyakumari District, Nagercoil,
Kanyakumari District.

3.The Village Administrative Officer,
Rajakkamangalam,
Agastheeswaram Taluk,
Kanyakumari District.

4.P.Paul Nadar

5.The District Forest Officer,
Kanyakumari Division, Nagercoil,
Kanyakumari District.

(R5 is impleaded vide Court order, dated 06.03.2023)

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to enquire and / or to cut the branches leaning on the house of the petitioner and consider the representation of the petitioner, dated 29.10.2021.

For Petitioner	:Mr.K.S.Muthu
For R1 to R3, R5	:Mr.N.Muthu Vijayan Special Government Pleader
For R4	:Mr.J.John Jeya kumar

ORDER

The writ petition has been filed in the nature of mandamus, seeking a direction against the respondents 1, 2, 3/District Collector, Kanyakumari District, Revenue Divisional Officer, Kanyakumari District and Village Administrative Officer, Rajakkamangalam, Agastheeswaram Taluk, Kanyakumari District, to enquire/or to cut the branches leaning on the house of the petitioner, by considering the representation of the petitioner, dated 29.10.2021.

2.During the pendency of the petition, in view of the fact that the complaint is with regard to Teak trees, the District Forest Officer had been



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impleaded as fifth respondent, by order of this Court, dated 06.03.2023, in WMP(MD)No.1865 of 2022.

3.The petitioner and the fourth respondent are neighbours. At the back side of the fourth respondent's house, there are three teak trees, of which, one had fallen on the terrace of the petitioner's house causing damages.

4. The other two trees are still remaining. The learned counsel for the petitioner states that those trees are also weak and without any branch support that the roots have not grown deep into soil. It is contended that there is a possibility for the two trees also to lean or fall, at the time of inclement weather.

5.If roots have not gone deep into the soil, then the foundation of the trees would shake. It they fall, they would cause more damage.

6.The District Forest Officer, who had been impleaded, had given a report, dated 11.03.2023 in Na.Ka.No.1108/2022/T1. This has been forwarded by the learned Special Government Pleader, who appears for the



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respondents R1, R2, R3 and R5. In the report, it had been stated that he had inspected the place and according to him, there is no need to remove the trees, but the branches should be trimmed and cut at regular interval. If the owner of the land wants to remove the trees, he has to give a representation, then after following due procedure, the trees would be cut. The owner is the fourth respondent. He would not come to the rescue of the petitioner.

7.At any rate, the writ petition is filed in the nature of mandamus. Let me direct the District Forest Officer, either by himself or by deputing anybody from his office, inspect the premises of the fourth respondent once in three months or four months. Instead of cutting the trees, let the branches be cut and the roots may be firmed up. If the trees are in a leaning condition, the land can be dug and the roots can be firmed up in the soil, so that the trees would not fall. If the roots are infected, then naturally a decision will have to be taken. The decision may be taken according to the existing situation.

8.It would give some confidence to the petitioner since there is continuous monitoring. However, the petitioner is always at a liberty to approach the fifth respondent by giving necessary representation, if required.



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The fifth respondent may address the same, within 10 working days, from the date of receipt of such representation.

9. With the above directions, this Writ Petition stands disposed of.

No costs.

14.03.2023

NCS : Yes/No
Index : Yes/No
Internet: Yes/No

PNM

To

1. The District Collector,
Kanyakumari District, Nagercoil,
Kanyakumari District.
2. The Revenue Divisional Officer,
Kanyakumari District, Nagercoil,
Kanyakumari District.
3. The Village Administrative Officer,
Rajakkamangalam,
Agastheeswaram Taluk,
Kanyakumari District.
4. The District Forest Officer,
Kanyakumari Division, Nagercoil, Kanyakumari District.

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C.V.KARTHIKEYAN, J.

PNM

ORDER IN
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