



W.P(MD)No.3733 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3733 of 2023

V.Mariappan

... Petitioner

Vs

- 1.The District Collector,
Office of the Collectorate,
Madurai.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Melur at Narasingampatti,
Madurai District.
- 3.The Tahsildar,
South Taluk Office,
Madurai,
Madurai District.
- 4.The Village Administrative Officer,
Virathanur Group,
South Taluk Office,
Madurai,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to remove the old Palm Tree situated in a southern side of petitioner's house in a common path way in Survey No.136/8A1 Virathanur village, South Taluk, Madurai District.



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For Petitioner : Mr.D.Senthil
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner states that a old palm tree is standing in a dangerous condition on the petition mentioned common pathway. He wants the authorities to remove the same.

3.When the matter was taken up for hearing, the learned Additional Government Pleader on instructions states that the palm tree is not standing in the common pathway. It is a patta land belonging to one Periyasami son of Sonaimuthupillai. Thus there is a factual dispute. In any event, the second respondent shall cause an inspection to be made to ascertain if the palm tree is posing danger to the writ petitioner or other passers-by. If it poses danger, then appropriate steps should be taken. If it does not poses any danger, the question of cutting the same does not arise at all.



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4. With this direction to the third respondent, this writ petition is disposed of. There shall be no order as to costs.

23.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

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G.R.SWAMINATHAN, J.

MGA

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