



W.P.(MD) No.9467 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.9467 of 2023

Sabari Kanthan

.. Petitioner

Vs.

The District Forest Committee,
Kanyakumari District,
Represented by the District Collector /
Chairman,
District Forest Committee,
Kanyakumari District.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondent to permit the petitioner to cut and remove the rubber trees planted in the property measuring to an extent of 2 Acres 75 cents comprised in Survey No.479/1 situated at Kaliyal Village, Vilavankodu Taluk, Kanyakumari District and also allow the petitioner for replantation by considering the petitioner's representation dated 24.08.2022 within a time frame as stipulated by this Court forthwith.



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For Petitioner : Mr.B.Ashok

For Respondent : Mr.R.Ragavendran
Government Advocate

ORDER

This writ petition has been filed for a mandamus directing the respondent to permit the petitioner to cut and remove the rubber trees that have been planted in his property measuring an extent of 2 Acres and 75 Cents comprised in Survey No.479/1, situated at Kaliyal Village, Vilavankodu Taluk, Kanyakumari District, and also allow him to replant rubber trees by considering his representation dated 24.08.2022.

2. It is the case of the petitioner that his properties have been declared as a “private forest” by the respondent. Though the properties have been declared as a “private forest”, possession and enjoyment over the same has been continued by the petitioner and his siblings and they have planted rubber trees and other trees and are eking out their livelihood through the above produce.



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3. It is the further case of the petitioner that now the trees have become old and damaged and therefore, he had made a representation to the respondent to permit him to cut the existing trees and to permit him to replant the rubber trees. This representation is dated 24.08.2022. However, there was no response to the same, which has constrained the petitioner to approach this Court.

4. Heard the learned counsel on either side.

5. Admittedly, the property in question belongs to the petitioner and it is also admitted that the petitioner has planted rubber trees thereupon. Considering the fact that the request of the petitioner is to cut the existing trees, which have lost its life and to replant trees, the same shall be permitted by the respondent.

6. For the above reason, this Writ Petition is disposed of directing the petitioner to provide proof of ownership of the lands to the respondent along with the application for cutting. It is needless to state



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that the petitioner shall replant the same number of trees that he would be cutting. On submission of the application, the respondent shall grant permission to the petitioner to cut the existing rubber trees within a period of four weeks therefrom. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

25.04.2023

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

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To

The District Collector / Chairman,
District Forest Committee,
Kanyakumari District,
District Forest Committee,
Kanyakumari District.



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P.T.ASHA, J.

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