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W.P.(MD)NO.9695 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.9695 of 2023 and
W.M.P.(MD)No.8570 of 2023

S.Muthukrishnan

... Petitioner

Vs.

1. The District Collector,
Madurai District.
2. The Block Development Officer,
Madurai East Panchayat Union,
Madurai District.
3. The President,
Poigaikaraipatti Village Panchayat,
Madurai East Taluk,
Madurai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 3rd respondent herein in Letter No.Nil dated 06.03.2023 and quash the same.



For Petitioner : Mr.M.Sivakumar,
for Mr.R.Balakrishnan.

For Respondents : Mr.M.Siddharthan,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. By the impugned communication, the local body has called upon the petitioner to cut and remove the standing Palmyra trees. The case of the petitioner is that they are standing only on the bund and not inside the water body.

3. When the matter was taken up for hearing, the learned Additional Government Pleader on instructions submitted that the local body proposes to take over the trees. They made it clear that there is no proposal to cut them.

4. We make it clear that the petitioner shall not have any claim or private interest on the trees in question. These trees will vest only with the local body. The trees however need not



be cut down and they will also be maintained as such. Even while we direct the local body to take care of the trees, it is also the bounden duty to ensure that character of the water body is also maintained as such.

5. The learned counsel appearing for the petitioner states that in the water body, a number of seema karuvella trees have grown. The local body shall cause their removal as expeditiously as possible. The original and pristine condition of the water body shall be restored.

6. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)

25th April 2023

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

PMU



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