



W.P(MD)No.13373 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.13373 of 2023

S.Raja Gopal

... Petitioner

Vs.

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

2.The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay, Kanyakumari District.

3.The Tahsildar,
Killiyoor Taluk,
Kanniyakumari District.

4.The Executive Officer,
Killiyoor Town Panchayat,
Killiyoor, Kanniyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pass suitable orders in order to cut down the two old and tall palm trees stand abutting the road on the North of the house site of the petitioner to an extent of 3 Cents comprised in Survey No.5/1, Mullankanavilai, Killiyoor Taluk, Kanniyakumari District, by considering the representations of the petitioner



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dated 01.12.2021 and 15.03.2023 respectively, within a time frame as may be fixed by this Court.

For Petitioner : Mr.G.Aravinthan
For R1 to R3 : Mr.N.Muthuvijayan
Special Government Pleader
For R4 : Mr.M.Ramesh
Government Advocate

ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking a direction to the respondents, particularly, to the second respondent/ Revenue Divisional Officer, Padmanabhapuram, Kanyakumari District, to cut down two Palm trees which are in the road but to the North of the house site of the petitioner in Survey No.5/1, Mullankanavilai, Killiyoor Taluk, Kanyakumari District. The petitioner had given representations on 01.12.2021 and 15.03.2023.

2. The writ petitioner claims that he is the owner of the land in Survey No.5/1 aforementioned. It is only a house site. He had got an approval for construction of the house. In front of the house, abutting the road, there are two palm trees.



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3. They are not going to prevent the petitioner from putting up the construction. As a matter of fact, if the petitioner looks out of the window, he would be only looking at the palm trees which would be of much comfort to his eye sight, instead of looking at any other object in the road. The apprehensions of the petitioner that they are obstructing the electric wire and that during rainy season, the palmyra will fall on the high tension power lines are all imaginary and this Court is not going to take any note of the same. The respondents always have a responsibility to examine that no untoward incident occurs but certainly this Court cannot give a direction to cut the palm trees. The palm trees are not situated within the land of the petitioner but at a different survey number. That Survey No.6, is classified as 'சாலை புறம்போக்கு' . The petitioner may admire nature rather than attempting to destroy nature.

4. Writ Petition stands disposed of. No costs.

08.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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C.V.KARTHIKEYAN, J.



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