



W.P(MD)No.17254 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17254 of 2015
and
M.P.(MD)Nos.2 & 3 of 2015

1.S.Ramachandran

2.N.Stalin

3.Ramesh

4.K.Alagarsamy

5.V.Sundarrajan

6.M.Patchamuthu

7.M.Ganesan

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Sivagangai, Sivagangai District.

2.Tahsildar,
Kalayarkoil Taluk,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the proceedings of the first respondent in Na.Ka.A1/1535/2015 dated 23.06.2015 and quash the same.



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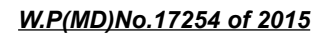
For Petitioners : Mr.V.Kannan

For Respondents : Mr.N.GA.Nataraj
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The petitioners are the permanent residents of Silaiyavoorani Village. In April 2015, the villagers had on their own cut and removed the karuvelam trees standing in Naivettiyenthal Kanmoi. The Village Administrative Officer on coming to know the same, lodged a complaint before the Tahsildar, Sivagangai. By then, the wood had already been removed and transported. Talks were conducted between the revenue officials on the one hand and the villagers on the other. Technically, the act committed by the villagers could be construed as theft. The villagers requested the revenue officials that in lieu of criminal prosecution, they would pay the compounding fees that is twice the value of the wood cut and removed by them. The petitioners herein came forward to assume liability on behalf of the entire villagers. Recording this development, the impugned proceedings, dated 23.06.2015 was issued by the Revenue Divisional Officer, Sivagangai directing the petitioners to pay a sum of Rs.2,21,760/-. Challenging the same, the present writ petition came to be filed.



7. It is not in dispute that the petitioners had on their own cut and removed the standing karuvelam trees in the village water body. The learned counsel for the petitioners was fair enough not to dispute that 77 cartloads were removed even though there is no material in respect of the said claim set out in



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the impugned proceedings. This in my view has substantially reduced the scope of controversy. The learned Government Advocate made available the circular dated 06.05.2023 issued by the District Collector, Sivagangai wherein it has been directed that the value of the karuvelam trees would be Rs.1,920/- per ton. When according to the revenue authorities, the value would be Rs.1,920/- per ton in May 2023, it could not have been Rs.2,880/- per ton in April 2015. The learned counsel for the petitioner asserts that during the relevant time, the value was Rs.500 per ton. The petitioners agree to pay the compounding fees also. 77 cartloads would be equivalent to 46 tons. The calculation would therefore run thus:-

$$500 \times 46 \times 2 = \text{Rs.}46,000/-$$

This amount should have been paid in the year 2015 also. Hence, it is rounded off to Rs.50,000/-. The petitioners are directed to make the said payment to the credit of the office of the Revenue Divisional Officer, Sivagangai within a period of four weeks from the date of receipt of a copy of this order.

8. The Writ Petition is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

01.09.2023

Index : Yes / No
Internet : Yes/ No
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- 2.Tahsildar,
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G.R.SWAMINATHAN, J.

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