



W.P.(MD)No.17643 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.03.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.17643 of 2016

and

W.M.P.(MD)Nos.12741 of 2016 & 2783 of 2017

VR.Sethu

... Petitioner

Vs.

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

2.The Sub-Collector,
Devakottai,
Sivagangai District.

3.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

4.The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records relating to the order passed in Revision Petition Na.Ka.A2-4353-2016 dated



W.P.(MD)No.17643 of 2016

25.07.2016 on the file of the second respondent.

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For Petitioner :Mr.V.Kannan

For Respondents :Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

The petitioner assails an order dated 25.07.2016 of the second respondent by which the petitioner was directed to pay a sum of Rs.28,800/- within a period of 30 days from the receipt thereof. The said order was passed on account of the felling and removal of trees from the properties bearing Survey Nos.54/13 and 55/13 at Singamangalapatti Village, Sathurvedhamangalam Village Group, Thiruppathur Taluk, Sivagangai District.

2. The petitioner asserts that he had purchased the above mentioned properties on 10.10.1980 from one Alagimeenal and registered the conveyance under Document No.1042 of 1980 on the file of the Sub-Registrar, Singampunari. The petitioner further states that the patta was



W.P.(MD)No.17643 of 2016

mutated in his name under proceedings bearing S.R.P.T.174 of 1980.

According to the petitioner, the patta was cancelled by the fourth respondent on 01.08.1987 without putting the petitioner on notice. Therefore, the petitioner carried the matter in appeal before the third respondent on 23.04.2015 and in revision before the first respondent, which is pending. Learned counsel for the petitioner submits that the impugned order is liable to be interfered with because the petitioner is entitled to fell and remove trees as the owner of the relevant land.

3. Learned Special Government Pleader submits that the admitted position is that the patta was cancelled as early as on 01.08.1987. The said land is classified as Government land. Therefore, she submits that the impugned order does not suffer from any infirmity.

4. From the averments in the affidavit in support of the writ petition, it is evident that the petitioner admits that the patta was cancelled on 01.08.1987. Although the petitioner asserts that an appeal and revision were filed in respect thereof, the patta has not been restored in the



W.P.(MD)No.17643 of 2016

petitioner's name as on date. In the said facts and circumstances, the impugned order does not suffer from any infirmity.

5. In the result, W.P.(MD).No.17643 of 2016 is dismissed by leaving it open to the petitioner to file an application for refund of amounts paid pursuant to the impugned order if the petitioner succeeds in the pending revision before the first respondent. Consequently, connected W.M.P.(MD).Nos.1274 of 2016 & 2783 of 2017 are closed. There shall be no order as to costs.

20.03.2023

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



W.P.(MD)No.17643 of 2016

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W.P.(MD)No.17643 of 2016

SENTHILKUMAR RAMAMOORTHY, J.

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