



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.24419 of 2022 AND
W.M.P.(MD)Nos.18516 to 18518 of 2022

R.Paulsamy

... Petitioner

Vs.

1. The District Collector,
O/o.the Collectorate Complex,
Sivagangai,
Sivagangai District.
2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
3. The Tahsildar,
O/o.the Tahsildar,
Sivagangai,
Sivagangai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka. A1/435/2017 dated 27.09.2022 on the file of the respondent No.2 and the consequential impugned order in Na.Ka. B2/17710/2022 dated 07.10.2022 on the file of the respondent No.1 and quash the same as illegal and



consequently direct the respondent No.1 to extend the lease period for the cutting down of Seema Karuvelam trees in S. No.92 1/6 of the Idaikattoor Village, in Sivagangai District.

For Petitioner : Mr.B.Saravanan,
Senior counsel,
for Mr.Ramsundar Vijayraj.

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

* * *

ORDER

Heard the learned Senior counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondents.

2. The writ petitioner was granted license to cut and remove the Karuvelam trees that had grown in Idaikattur Kanmai which is spread over 161.68.0 hectares of land. According to the petitioner, he could not cut and remove all the trees on account of the reasons set out in the affidavit filed in support of the writ petition.

3. The petitioner's license period came to an end on 26.06.2017.



4. The petitioner applied for extension of time. It was not considered. Hence, the petitioner filed W.P.(MD)No.7830 of 2021. On 15.04.2021, the writ petition was disposed of in the following directions:-

“ 6. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the third respondent to act upon the recommendation made by the fourth respondent through letter dated 30.07.2018 and take a decision regarding extension of time for the completion of the work by the petitioner, within four weeks from the date of receipt of a copy of this order, on its own merits and in accordance with law.

7. The petitioner is directed to make a fresh representation to the third respondent along with all the relevant documents along with a copy of this order. A copy of the representation shall also be marked to the fourth respondent.”



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5. Availing the liberty given by this Court, the petitioner submitted a fresh representation. The Tahsildar, Sivagangai recommended the case of the petitioner vide communication bearing Na.Ka.A5/2808/2022 dated 29.06.2022 addressing to the Revenue Divisional Officer, Sivagangai. According to the revenue authorities, in view of the growth during the intervening period, the petitioner has to pay a further sum of Rs.3,76,680/-. This amount was duly remitted by the petitioner on 28.07.2022. The Revenue Divisional Officer, Sivagangai also recommended the case of the writ petitioner. But then, the District Collector, Sivagangai vide memo dated 07.10.2022 negatived the petitioner's request for extension. Questioning the same, the present writ petition came to be filed.

6. When the matter was taken up for hearing on the last occasion, a learned Judge of this Court on 27.10.2022 passed the following order:-

“ The learned counsel appearing for the petitioner would submit that on 28.09.2022, the impugned order has been passed, based on the letter received from the P.A. to Collector, on



05.09.2022. In case, the value of the Seemai Karuvelam Trees are more and for the past five years, they have not been cut down and hence, the authorities can consider the said aspect and then pass appropriate orders for extending the time or not. But the Revenue Divisional Officer without even considering the said aspect had passed an order that he will return the amount of Rs.3,76,680/- to the petitioner and without assigning any reason whether there was any increase in the value of the trees and what circumstances he has come to the conclusion that the same is more than the value, which has been fixed on 26.07.2022, through which he has passed the order.

2. In the light of the above submissions, the respondents are directed to maintain status quo as on date.

3. The learned Additional Government Pleader is directed to get instructions.

4. Post the matter on 17.11.2022. "



WEB COPY 7. On 26.07.2023, the following order was passed:-

“ The petitioner is the licensee to cut and remove the Seemai Karuvela trees at Idaikattur. The petitioner has participated in the tender floated by the respondents to cut and remove the trees. He was selected as the successful bidder and contract was awarded to him to cut and remove the trees at Idaikattur by proceedings of the Tahsildar dated 27.04.2017 with a condition that the petitioner to cut and remove the trees on or before 31.05.2017. However, the petitioner has approached the authorities on 22.02.2021 that due to monsoon and water inundation, he could not cut and remove the trees within the specified time. Therefore, by referring to the orders granting time extension to others in Sivagangai district, in Na.Ka.No.A1/435/2017, dated 30.07.2018, the petitioner has earlier filed a writ petition in WP(MD)No.7830 of 2021 to consider his



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representation dated 22.01.02.2021, which was submitted for seeking time extension, wherein this Court has permitted the petitioner to submit a fresh representation to the RDO, Sivagangai along with relevant records and disposed of the writ petition on 15.04.2021. Thereafter the petitioner has submitted a representation to the 3rd respondent with a different ground that the petitioner was not able to cut and remove the trees and there was not demand for the Seemai Karuvela Trees. This representation of the petitioner was considered by the RDO, Sivagangai on 26.07.2022 and he has recommended the District Collector for granting time extension to the petitioner. However without considering the same, the District Collector has passed the impugned order dated 10.10.2022 rejecting the petitioner's request. Challenging the same, this writ petition is filed.

2.The learned counsel for the petitioner by



relying on the proceedings in Na.Ka.P2/5392/2021, dated 22.07.2021 and the proceedings in Mu.Mu.P2/5392/2021, dated 11.08.2021 submits that time extension was granted to one Selvam, S/o.Mayandithevar of Achankulam and this petitioner's request alone was rejected.

3.Considering the submission of the learned Senior Counsel appearing for the petitioner that similar persons have been provided with time extension and petitioner's request for time extension alone was rejected, this Court directs the 1st respondent / the District Collector, Sivagangai to file a detailed report in this regard.

4.Post on 07.08.2023, immediately after admission.”

8. The specific allegation of the petitioner is that the petitioner had been discriminated and that a similarly placed individual was given a favourable treatment and that



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11. I endorse the stand of the learned Senior counsel appearing for the petitioner that Thiru.Selvam, S/o.Mayandi Thevar has been treated indulgently whereas a strict standard has been applied in the case of the petitioner. Even though Thiru.Selvam's license expired in May 2017, extension of time was granted on 10.04.2018. It was extended on 17.07.2018 and again on 08.02.2021 and again on 11.08.2021. The explanation set out in the status report does not convince me. The learned Additional Government Pleader wants me to believe that the extension of time was given in favour of Thiru.Chellam only in respect of 100 meters. It is not so. A mere look of the proceedings dated 10.04.2018 would indicate that the extension of time was granted in respect the entire extent of Achankulam Kanmai measuring an extent of 136.63.5 Hectares.

12. The petitioner cannot be given a different treatment by the very same authority. Be that as it may, there is considerable merit in the stand of the respondents that the petitioner cannot be allowed to unjustly enrich himself. The



petitioner had remitted a sum of Rs.3,76,680/- on 28.07.2022.

More than one year and three months have elapsed. We are now in October 2023. There would have been further growth of trees during this period. Therefore, reassessment will have to be made for this alone. The petitioner may have to pay extra amount to the respondents. I consciously refrain from quantifying the figure. This exercise shall be concluded by the third respondent within a period of four weeks from the date of receipt of a copy of this order. Upon the petitioner remitting the said amount, the petitioner will be entitled to cut and remove the trees within the extended period. The extended period will be specified by the third respondent himself. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

18.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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W.P.(MD)NO.24419 OF 2022

G.R.SWAMINATHAN,J.

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To:

1. The District Collector,
O/o.the Collectorate Complex,
Sivagangai,
Sivagangai District.
2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Sivagangai,
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