



W.P(MD)No.23886 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.23886 of 2023

Sankara Narayana Nair. P.G

... Petitioner

Vs

**1.The District Collector,
Tenkasi, Tenkasi District.**

**2.The Conservator of Forests,
Tirunelveli Circle, NGO Colony
(RTO Office Back Side),
Palayamkottai,
Tirunelveli - 627 007.**

**4.The Forest Ranger,,
Courtrallam Range Office at Shenkottai,
Tenkasi District.**

**5.The Tahsildar,
Shenkottai Taluk,
Tenkasi District.**

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus or any



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other order or direction in the nature of Writ, directing the respondents herein to expedite the petitioner's application seeking to cut and remove the trees in patta land comprised in Survey No.906 and 908 in Keelur Village, Shencottai Taluk, Tenkasi District in the light of the proceedings of the 3rd respondent in Na.Ka.No.Thi/4422/2019 dated 25.10.2021 within a time frame fixed by this Court.

For Petitioner : Mr.R.J.Karthick
For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

The petitioner has purchased the lands to an extent of 26.91 acres in S.No.900/1, 902, 905, 906 & 908 in Keelur Village, Shenkottai Taluk, Tirunelveli District presently Tenkasi District, by way of a registered sale deeds, dated 29.09.1995 and 12.08.1996. The petitioner claims that he has planted Alcacacia Mangium trees and other trees in his land in S.Nos.906 and 908. In order to cut and remove the trees from his land in S.Nos.906 and 908, the petitioner has submitted an application and also filed this writ petition before



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this Court in WP(MD) No.10408 of 2010 for a Mandamus, to direct the respondents 2 & 3 to issue a cutting order. This Court has also considered that writ petition and passed an order on 11.08.2010 directing the second respondent to consider the petitioner's representation dated 23.06.2010 in accordance with law within a period of eight weeks from the date of receipt of a copy of that order. Thereafter, the first respondent/the Chairman of of the Forest Department, by his proceedings dated 02.12.2015 granted permission for cutting and removal of Alcacacia Mangium trees alone from this petitioner's land. However, permission has not been granted so far for removing the other trees. Therefore, the petitioner once again approached this Court by way of this writ petition for a Mandamus, directing the respondents to grant permission to cut and remove the other trees.

2.The learned Additional Government Pleader appearing for the respondents submits that the land in S.Nos.906 and 908, which were transferred from the territory of Kerala to the State of



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Tamil Nadu. Therefore, the exact extent of land has to be identified with the help of officials from Kerala. Only after conducting a joint survey with the officials of Kerala, the property of the petitioner can be identified. Only then the Committee headed by the District Collector could take a decision within a reasonable time.

3.This Court considered the rival submissions made.

4.The petitioner has submitted an application in the year 2019 seeking permission for cut and remove the trees from his patta land and filed this writ petition. This Court has passed an order directing the respondents to consider the representation of the petition within a period of twelve weeks. Even thereafter, the respondents have not taken any decision on the petitioner's representation. Therefore, the petitioner was driven to file the present writ petition. Pursuant to the earlier order of this Court, the petitioner was permitted to remove *Alcacia Mangium* trees alone and the decision has not been taken insofar as the other trees are



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concerned. The learned Government Advocate has taken a stand that the exact extent of the petitioner's property has to be identified with the help of the officials of Kerala and thereafter only permission could be granted to the petitioner for cutting of other trees.

5.In view of the above, this writ petition is disposed of with a direction to the respondents to take a decision on the petitioner' s representation dated 18.06.2019 within a period of four weeks from the date of receipt of a copy of this order. No costs.

11.10.2023

NCC: Yes/No
Index:Yes/No
Internet:Yes
vrn



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B.PUGALENDHI, J.

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Order made in
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