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W.P.(MD)NO.27762 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

RESERVED ON : 15.12.2022

PRONOUNCED ON : 12.05.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.27762 of 2022

E.Anna Yesudhas

... Petitioner

Vs.

1. The District Collector,
O/o.The District Collector,
Kanyakumari District.

2. The Revenue Divisional Officer,
O/o.The District Collector,
Kanyakumari District.

3. The Commissioner / Block Development Officer,
Thovalai Panchyat Union,
Bhoothapandy Taluk,
Kanyakumari District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to consider the petitioner's representations dated 01.10.2022 and 01.12.2022 and to direct the respondents to explore alternatives before cutting down 28 green cover trees for the construction of new building for Thovalai Panchayat Union, Kanyakumari District, for the purpose of preventing soil erosion in the



banks of Palayaru river and to safeguard the public from the environmental pollution.

For Petitioner : Mr.M.Pandiarajan

For Respondents : Mr.G.Suriyananth,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is a resident of Bhoothapandy. He has moved this Court for forbearing the respondents from cutting the petition mentioned trees so as to facilitate the construction of a new panchayat building.

3. I went through the materials enclosed in the typed set of papers. The petitioner has submitted a representation to the first respondent on 01.10.2022 and it has been signed by a number of local residents. The petitioner did elicit response from the Revenue Divisional Officer,



Nagercoil. He had called upon the jurisdictional Block Development Officer as well as the Tahsildar to submit representation. The District Environmental Engineer, Tamil Nadu Pollution Control Board has also called for a report in this regard.

4. When the authorities are seized of the matter and no adverse decision has been taken, it may not be appropriate for this Court to interfere at this stage. I am certain that the authorities will consider cutting the trees only as a measure of last resort. The respondents are obviously aware of the importance of green cover. In this age of climate change, the accent has to be on growing green cover trees. When there are several grown trees, it would not be a wise thing to cut them down for the sake of constructing a building.

5. The first respondent will take a call in the matter after taking into account all the relevant factors. The petitioner will be informed about the decision taken by the first respondent. He shall be given adequate time to knock the doors of this Court if need be.



6. With this direction to the first respondent to take a call in the matter and communicate the same to the petitioner before embarking on the construction of the panchayat building, this writ petition stands disposed of. No costs.

12.05.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The District Collector,
O/o.The District Collector,
Kanyakumari District.
2. The Revenue Divisional Officer,
O/o.The District Collector,
Kanyakumari District.
3. The Commissioner / Block Development Officer,
Thoivalai Panchyat Union,
Bhoothapandy Taluk,
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G.R.SWAMINATHAN,J.

PMU

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