



W.A.(MD)No.1921 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.1921 of 2023

and

C.M.P.(MD)Nos.14780 & 15688 of 2023

G.Kaladevi

... Appellant

Vs.

1.The District Collector,
Office of the Collectorate,
Sivagangai, Sivagangai District.

2.The District Forest Officer,
Office of the District Forest Officer,
Collectorate Office Complex,
Sivagangai District.

3.P.Marimuthu

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.(MD)No.641 of 2021, dated 10.10.2023 on the file of this Court.



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For Appellant : Mr.R.Murali
For R1 & R2 : Mr.S.P.Maharajan,
Special Government Pleader
For R3 : Mr.B.Saravana, Senior Counsel,
for Mr.D.Kirubakaran

JUDGMENT

(Judgment of the Court was delivered by ***V.LAKSHMINARAYANAN, J.***)

The subject matter of the Writ Petition relates to removal of Prosopis Juliflora Trees to an extent of 125 Hectares in Idaikattur Taluk, Idaikattur Village, Manamadurai, Sivagangai Taluk and District.

2.The writ petitioner participated in the auction and was not successful. The 3rd respondent was able to knock down the auction in his favour for a sum of Rs.33,75,000/- (Rupees Thirty Three Lakhs and Seventy Five Thousand Only). However, the auction was not confirmed in his favour on account of the fact that a Writ Petition challenging the auction was pending from 2019 till 22.12.2020. The said Writ Petition was dismissed as withdrawn and thereafter, it became open to the authorities to confirm the auction. The authorities by following the guidelines have decided to give 10% increase in the value and confirmed the auction in



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favour of the 3rd respondent. The proposal for confirmation is pending with the Chief Conservative of Forest, Megamalai. In the meantime, the Writ Petition has been filed for a direction to go in for re-auction for the very same property.

3.Heard Mr.R.Murali, learned counsel appearing for the appellant, Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.B.Saravanan, learned Senior Counsel appearing for the 3rd respondent.

4.In respect of the plea of the appellant that the value of the trees has gone up, therefore, it necessarily requires that the trees are to be re-auctioned, from the files produced by the learned Special Government Pleader, it is clear that the Government has applied its mind and decided to give 10% increase on the amount already auctioned and placed the matter for proposal before the Chief Conservative of Forest. Therefore, it is upto the Chief Conservative of Forest either to accept the proposal or to reject the same and direct fresh auction.

5.Under Article 226 of Constitution of India, it is not for us to set aside the proposal that has been made, which is yet to be considered. It is always open



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to the Chief Conservative of Forest to take a decision on the proposal and if he so desires, to go in for auction, this is his discretion.

6.A Writ of Mandamus, when the proposal is pending, especially, when the hands of the authorities were tied by interim injunction granted in the previous Writ Petition from confirming the auction, would not be proper. The 3rd respondent is not at fault for not paying the balance amount, since the State authorities were obeying the orders of this Court. We are convinced with the reasons given by the learned Single Judge. Leaving it open to the Chief Conservative of Forest to consider the proposal and take a decision in accordance with law, this Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (V.L.N., J.)

27.11.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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