



WP(MD)No.30961 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**WP(MD)No.30961 of 2023**

S.Gopikannan

.. Petitioner

vs.

1.The Tahsildar,  
Bodinayakanur Taluk,  
Theni District.

2.The District Forest Officer,  
Office of the District Forest Officer,  
Theni,  
Theni District.

3.The Forest Range Officer,  
Office of the Forest Range Officer,  
20/14B, Karuppasamy Kovil North Street,  
19<sup>th</sup> Ward,  
Bodinayakanur,  
Theni District.

.. Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the second respondent to issue Timber transit permits to remove the Ilavu trees at the petitioner's lands in Survey Nos. 137/1, 2, 3, 7, 8, Survey Nos.143/7, 8, 9A, 9B, 9C, 10, 11 and Survey Nos.143/6, 12A, 12B and 12C, Survey Nos.143/6, 12A, 12B and 12C situated at B.Ammapatti Village, Bodinayakanur Taluk, Theni District, within the time frame fixed by this Court.



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For Petitioner : Mr.C.Prithviraj

For Respondents : Mr.P.T.Thiraviyam  
Government Advocate

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### **ORDER**

This Writ Petition has been filed for a Mandamus to direct the second respondent to issue Timber Transit Permit to remove Ilavu trees from the petitioner's lands in Survey Nos.137/1, 2, 3, 7, 8, Survey Nos.143/7, 8, 9A, 9B, 9C, 10, 11, Survey Nos.143/6, 12A, 12B and 12C, and Survey Nos.143/6, 12A, 12B and 12C, situated at B.Ammappatti Village, Bodinayakanur Taluk, Theni District.

2. The petitioner is a Professor working in Andhra Pradesh. The subject lands belong to the petitioner. Now, he wanted to raise coconut trees in his lands. Therefore, in order to remove the existing trees, viz., Ilavu trees from his lands and transit the same, he has made a request before the respondents, however, the same was not considered. Therefore, the present Writ Petition has been filed.

3. When the matter is taken up for hearing today, the learned Government Advocate appearing for the respondents, based on the written instructions received



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from the District Forest Officer, Theni District, submits that if the petitioner wants to cut and remove Ilavu trees and transit the same, there is no necessity for getting permission from the Forest Department, since the Government, vide G.O(Ms).No. 165, Environment and Forest (FR13) Department dated 30.11.2009, exempted 36 trees including Ilavu Trees from the purview of the Tamil Nadu Timber Transit Rules, 1968, to encourage the pattadars to grow more trees (exempted species) in their lands and transit the trees grown in their lands without any hindrance.

4. In view of the submission made by the learned Government Advocate appearing for the respondents, there is no impediment for the petitioner to cut and remove Ilavu Trees and transit the same.

5. Accordingly, this Writ Petition is closed. There shall be no order as to costs.

**22.12.2023**

Index : Yes / No  
NCC : Yes / No  
Internet : Yes  
ssb



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To

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**B.PUGALENDHI, J.**

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