



W.P.No.2129 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.02.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.2129 of 2024

A.Mangaiyarkarasi

... Petitioner

Vs

1. The District Collector,
Salem District.
2. The Registrar,
Office of the Co-operative Society,
170 E.V.K.Salai, Kilpauk,
Chennai.10.
3. The Joint Registrar,
Room No.410,
District Collector's Office,
Co-operative Society,
Salem 630 001.
4. The Deputy Registrar,
Co-operative Society,
Omalur Taluk,
Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first, second and third respondents to dispose of the representation of the petitioner dated 30.10.2023.



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For Petitioner : Mr.S.Vijayakumar
Senior Counsel
for Mr.J.Melvin Jabaz
for Mr.A.V.Balusamy

For Respondents : Mr.A.Anandan
Government Advocate

ORDER

Mr.A.Anandan, learned Government Advocate accepts notice for the respondents and is armed with instructions to enable final disposal of this Writ petition, even at the stage of admission. Hence, by consent, the following order is passed.

2. The petitioner is a senior citizen and seeks a mandamus to the respondents to dispose her representation dated 30.10.2023. The petitioner is residing at Salem Main Road, Salem. Adjacent to her property is the office of the Co-operative Society, Salem/R4, wherein the third respondent is stated to have planted 11 Teak trees, which have grown to a height of nearly 60 feet.

3. The petitioner alleges that the trees are not being maintained and on account of the proximity of the trees to the petitioner's dwelling place, the structure has itself been damaged. According to the petitioner, cracks are visible on the walls of the property on account of the root extensions and the petitioner apprehends that there would be damage caused both to the structure as well as to the inmates of the house.



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4. The petitioner has made a representation to R3 as early as on 27.10.2020. Vide reply dated 10.11.2020 by R4, the petitioner was given to understand that the needful has been done, which the petitioner denies in toto. Further representations have been made to the respondents on various dates in 2021.

5. The petitioner draws attention to letter from R3 dated 24.04.2023 addressed to R1 confirming the factual position that the location of the teak trees was detrimental to the structural integrity of the petitioner's property. He has hence recommended that the 11 Teak trees and 3 Asoka trees in the compound of R4 may be removed at an early date. Despite the same, there has been no action. Hence, this writ petition.

6. The petitioner has sought only a limited relief of disposal of his representation and Mr.A.Anandan, learned Government Advocate for the respondents would have no objection to the same being granted.

7. Hence, mandamus is issued to all the respondents to collectively address the representation of the petitioner dated 30.10.2023 and not merely consider the same, but to take necessary action, particularly, in light of communication of R3 dated 24.04.2023. This exercise shall be carried out within a period of eight (8) weeks from date of receipt of a copy of this order.



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Dr.ANITA SUMANTH,J.

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8. This writ petition is disposed in the above terms. No costs.

01.02.2024

Index : Yes / No

Speaking order

Neutral citations: Yes

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To

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