



W.P.No.3077 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.3077 of 2021

R.Rajagopalan

... Petitioner

-Vs-

1.The Commissioner,
Greater Corporation of Chennai,
Chennai.

2.The Regional Deputy Commissioner,
Greater Corporation of Chennai,
Shenoy Nagar, Chennai-600 030.

3.The Executive Engineer, Zone-VIII,
Greater Corporation of Chennai,
Pulla Avenue, Chennai-30.

4.The Zonal Officer, Zone-VIII,
Greater Corporation of Chennai,
Pulla Avenue, Chennai-30.

5.The Assistant Engineer-Zone VIII,
Greater Corporation of Chennai,
Pulla Avenue, Chennai-30

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents to take immediate action to remove the Rain Tree which is located in Door No.11, West Club Road, Shenoy Nagar, Chennai-600 030, by considering the petitioner's representation dated 10.01.2020.

For Petitioner

: Mr.M.Pachiyappan



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For Respondents : Mrs.P.T.Ramadevi,
Standing Counsel

ORDER

This Writ Petition has been filed for a direction, directing the respondents to take action for the removal of the rain tree, which is located in front of the house owned by the petitioner in Shenoy Nagar, Chennai – 600 030.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner owned a house bearing Door No.10 and 11, West Club Road, Shenoy Nagar, Chennai. In front of his house, there is a rain tree, whose roots have penetrated into the compound wall, causing extensive damage. Further, the tree is in a danger condition with a high possibility of falling.

4. A perusal of the counter filed by the respondent reveals that admittedly, there is a tree situated in front of the petitioner's house and it is stated to be in good condition, not weak and has not fallen at any



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point of time.

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5. A perusal of the representation submitted by the petitioner reveals that the respondents conducted an inspection and decided not to remove the said tree. However, the branches of the said tree were ordered to be cut and trimmed. However, the trees on road margins, streets, public areas are all inspected in routine basis. If any tree is found to be in a danger condition, it will be removed.

6. Further, as per the directions of the National Green Tribunal Bench, New Delhi, in O.A.No.593 of 2018, a Committee comprising the Commissioner, Greater Chennai Corporation, the District Collector, Chennai and the District Forest Officer, Chennai, has to be constituted to decide on proposals for permission to cut trees. Accordingly, a Committee has been constituted by G.O.(MS) No.66, Environment, Climate Change and Forests (FR.13) Department, dated 07.04.2022 as the State Green Committee.

7. In view of the above, the respondents are directed to



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place the representation submitted by the petitioner before the State Green Committee within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of the representation, the State Green Committee is directed to conduct an inspection and pass orders on merits and in accordance with law, within a period of four weeks thereafter.

8. With the above direction, this writ petition stands disposed of. No costs.

14.10.2024

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
Lpp

To

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Shenoy Nagar,
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5.The Assistant Engineer-Zone VIII,
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