



WEB COPY



W.P.No.27821 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

**Writ Petition No.27821 of 2013
and MP.No.1 of 2013**

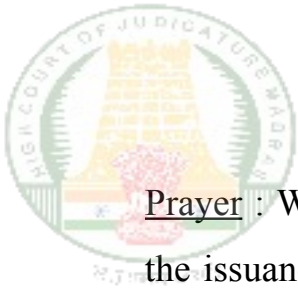
Nagore Dargah
Nagore
Rep.by its Managing Trustee
Jaji S.A.Shaik Hassan Sahib
Nagapattinam District .

.... Petitioner

-Vs-

- 1.The District Forest Officer
District Forest Office
Nagapattinam-611 003
Nagapattinam District.
- 2.The Forest Range Officer
Forest Act Enforcement Range
Nagapattinam
Nagapattinam District.
- 3.The Wild Life Warden
Nagapattinam
Nagapattinam District.
- 4.A.B.Thameem ansari Sahib

.. Respondents



W.P.No.27821 of 2013

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to issue a corrected G.Memo dated 18.7.2012 issued by the 3rd respondent after deleting the words Management of Nagore Dargah relating to S.W.O.R.No.1/2012 dated 16.7.2012 on the file of the 2nd respondent, by considering the representation dated 03.10.2023.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.T.Seenivasan
Special Government Pleader (Forest)
for R1 to R3

Mr.S.Thirumavalavan
for R4

ORDER

Writ petition has been filed in the nature of a mandamus seeking a direction against 1st, 2nd and 3rd respondents to issue a corrected G.Memo dated 18.07.2012, which had been issued by the 3rd respondent after deleting the words Management of Nagore Dargah relating to S.W.O.R. No.1/12 dated 16.07.2012 on the file of the 2nd respondent. The petitioner had given a representation dated 03.10.2013.



2.In the affidavit filed in support of the writ petition, it had been stated that the writ petitioner is the Managing Trustee of the petitioner Dargah. The Dargah had been established about 500 years before. It had been stated that one Bava Bahrudin Sahib was working as a gardener and he had to take care of nandhavanam situated behind the sanctum sanctorum of the shrine. He had to maintain the garden properly. However on 2.07.2012, he cut and removed the sandalwood trees. This was identified by the respondents and they had proceeded against the said individual. It is the contention of the learned counsel for the petitioner that the said gardener had independently cut the sandalwood trees and the petitioner was not responsible for the same. But however having employed gardener, the petitioner would be vicariously liable for any acts committed by the said gardener.

3.In the counter affidavit, it had been stated that the gardener had also confessed that he had cut the sandalwood trees and opted for imposition of fine. Therefore, the amount was compounded and a fine of Rs.50,000/- was imposed and G Memo was issued on 18.07.2012. The petitioner came forward to pay the fine and the fine amount was also paid on 01.08.2012. Now the petitioner wants to change the name from the petitioner in the G Memo to the name of the



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gardener. The matter had come to its natural end and the petitioner had also come forward to pay the fine. The petitioner cannot claim innocence of the act of the gardener. Any act of the servant/gardener, can only be taken as authorised by the petitioner herein. There are no indication to show that the petitioner had taken independent action against the gardener. The relationship between the petitioner and the gardener as master and gardener still continues.

4.In view of the same, I hold that the representation cannot be considered in the terms as the petitioner seeks it to be considered. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.11.2024

Index : Yes/No
NCS : Yes/No
KP



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W.P.No.27821 of 2015

To

- 1.The District Forest Officer
District Forest Office
Nagapattinam-611 003
Nagapattinam District.
- 2.The Forest Range Officer
Forest Act Enforcement Range
Nagapattinam
Nagapattinam District.
- 3.The Wild Life Warden
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C.V.KARTHIKEYAN.,J

KP

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