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W.P.No.28338 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

CORAM

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

W.P.No. 28338 of 2022

V.Nagarajan

.... Petitioner

Vs

1. The District Collector,
Tiruvannamalai,
Tiruvannamalai District.

2. The Revenue Divisional Officer,
Cheyyar Taluk,
Tiruvannamalai District.

3. The Tahsildar,
Cheyyar Taluk,
Tiruvannamalai District.

4. The Village Administrative Officer,
Thirumpoondi Village,
Cheyyar Taluk,
Tiruvannamalai District.

5. The District Forest Officer,
Tiruvannamalai Range,
Tiruvannamalai Division and District. Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India
for the issuance of Writ of Mandamus directing the respondents 2 to 4 to



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consider and dispose the representation of the petitioner dated 29.08.2020, .12.2021 and consequently directing the respondents to remove and cut down the trees and also to remove the soil and rubbish from the 'Anatheenam' land in Survey No.244/2, Thirumpoondi Village, Cheyyar Taluk, Tiruvannamalai District or otherwise permitting the petitioner to do the same with cost.

For Petitioner : Mr.R.Balaguruswamy
For Respondents : Mr.S.J.Mohammed Sathik
Government Advocate

ORDER

This Writ Petition has been filed for a direction directing the respondents to remove and cut trees and also to remove the soil and rubbish from the Anatheenam land comprised in Survey No.244/2, Thirumpoondi Village, Cheyyar Taluk, Tiruvannamalai District.

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

3. A perusal of the counter filed by the third respondent reveals that in view of the existence of thorny bushes, neem and palm trees in the heap of soil in the adjoining Anadeenam Poramboke land in Survey No.244/2, it has become a habitat to the poisonous snakes, and in view of the soil heap, there is likelihood of landslide well endangering



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human lives. Therefore, the petitioner submitted a representation. On receipt of such representation, the second respondent recommended to remove the neem trees and palm trees from the land in Survey No.244/2, classified as Anadeenam Poramboke land, since the trees found to be causing hindrance to the pump set and electricity connection to the well of the petitioner in the land in Survey No.244/1. The second respondent, by the proceedings dated 26.11.2021, directed the third respondent to cut and remove the three neem trees alone from the Anadeenam land in Survey No.244/2 and to sell the trees in public auction and to remit the sale proceeds into Government account. Pursuant to the said direction, the third respondent conducted public sale of the three neem trees on 07.01.2022, 22.03.2022, 23.06.2022 and 21.09.2022 and no one has participated in the auction sale. Once again the auction sale was conducted on 23.12.2023, one Shanmugam took the auction sale for a sum of Rs.4,900/- and as such, all the three neem trees were cut and removed.

4. Insofar as the removal of sand is concerned, there is no provision to grant permission or consent under any law. If at all the petitioner has to protect his land, he has to put up a compound wall.



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5. Recording the said submission, this writ petition stands

closed. No costs.

27.06.2024

Internet : Yes

Index : Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

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To

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