



W.P.(MD).No.2139 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.2139 of 2024

M.Adalarasan

... Petitioner

vs.

1.The Revenue Divisional Officer,
Tenkasi Revenue Division,
Tenkasi.

2.The Tahsildar,
Tenkasi Taluk,
Tenkasi.

3.S.Ananda Babu

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 herein to trim/remove the branches of 'Arasa Maram' situated at S.No.1007/22 in Keelakadayam Part – I Village, Tenkasi Taluk and District which is causing disturbance to petitioner's house situated at D.No.4/2A lying in S.No.1007/10 of Keelakadayam Part-I Village, Tenkasi Taluk and District based on the proceedings of the first respondent made in RDOTKS/1286/2023-B1 dated 17.02.2023.



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W.P.(MD).No.2139 of 2024

For Petitioner : Mr.D.Srinivasaragavan
For R-1 & R-2 : Mrs.K.Christy Theboral,
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to trim/remove the branches of 'Arasa Maram' (PEEPAL TREE) situated at S.No.1007/22 in Keelakadayam Part – I Village, Tenkasi Taluk and District, which is causing disturbance to the petitioner's house situated at D.No.4/2A lying in S.No.1007/10 of Keelakadayam Part-I Village, Tenkasi Taluk and District based on the proceedings of the first respondent made in RDOTKS/1286/2023-B1 dated 17.02.2023.

2. The case of the petitioner is that the petitioner's house is situated at D.No.4/2A lying in Survey No.1007/10 of Keelakadayam Part-I Village, Tenkasi Taluk and District. The grievance of the petitioner is that adjacent to his property in Survey No.1007/22 of the same village, somebody put up a 'Vinayagar Temple' 25 years back and they had also planted a tree(Arasa Maram) near the temple. The said tree has grown taller and is causing damages to the basement of the petitioner's house.



W.P.(MD).No.2139 of 2024

WEB COPY

Hence, the petitioner has made a representation to the second respondent on 11.06.2022 seeking permission to cut the tree from the said place. The request of the petitioner was also forwarded to the first respondent. After receipt of the same, the first respondent vide proceedings in RDOTKS/1286/2023-B1 dated 17.02.2023, granted permission to cut and trim the entire tree. Subsequently, when the respondents came to the spot on 15.03.2023 to trim the branches of the tree, the third respondent with the local residents objected for trimming the tree. Hence, no action was taken by the authorities. Therefore, the petitioner has filed this writ petition with the aforesaid prayer.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2.

4. Considering the above facts, this Court, without expressing any opinion on the merits of the matter, directs the respondents 1 and 2, to periodically inspect the subject property and if found that the branches are grown over the petitioner's house, they can trim the same in order to



W.P.(MD).No.2139 of 2024

WEB COPY

avoid the unnecessary disturbances.

6. With the above direction, this Writ Petition is disposed of.

No costs.

02.02.2024

Index: Yes/No

NCC: Yes/No

PM

To

1. The Revenue Divisional Officer,
Tenkasi Revenue Division,
Tenkasi.

2. The Tahsildar,
Tenkasi Taluk,
Tenkasi.



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W.P.(MD).No.2139 of 2024

V.BHAVANI SUBBAROYAN,J.

PM

W.P.(MD)No.2139 of 2024

02.02.2024