



W.P.(MD) No.1962 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.1962 of 2018
and
W.M.P.(MD) No.2211 of 2018**

K.V.Shanmuga Solagar

... Petitioner

Vs.

1.The District Forest Officer,
Thanjavur Division,
Thanjavur.

2.The District Collector,
Thanjavur District,
Thanjavur.

3.The Tahsildar,
Thiruvaiyaru Taluk,
Thanjavur.

4.The Village Administrative Officer,
43, Karuppur,
Thiruvaiyaru Taluk,
Thanjavur.



W.P.(MD) No.1962 of 2018

5.The Taluk Surveyor,
Taluk Surveyor Office,
Thiruvaiyaru Taluk,
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, direct the 1st respondent to delete the serial numbers 2959, 2960, 2961 and 2962 wrongly assigned to the 4 teak trees of the petitioner situated in Survey Nos.85/1B2 and 85/3B respectively at 43, Karuppur Village, Thiruvaiyaru Taluk, Thanjavur.

For petitioner : Mr.S.Bharathy Kannan

For respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

Having considered the submissions made by the learned counsel for the petitioner and the learned Special Government Pleader for the respondents, the Court is of the view that the present Writ Petition for the relief sought for directing the first respondent to delete the serial numbers 2959, 2960, 2961 and 2962 wrongly assigned to the 4 teak trees of the petitioner situated in Survey Nos. 85/1B2 and 85/3B respectively at 43, Karuppur Village, Thiruvaiyaru Taluk, Thanjavur, is not maintainable.



W.P.(MD) No.1962 of 2018

WEB COPY

2. It is open to the petitioner to recover the proportionate cost from the Forest Department, if the petitioner is able to establish that the trees, that was planted on the petitioner's land, was actually planted by the petitioner's grand father namely, Ramasamy Solagar.

3. This Writ Petition is disposed of by giving liberty to the Forest Department to cut the trees and to dispose the same as per the regulations applicable to them. It is also open to the petitioner to file a suit to recover the proportionate value from the respondents by filing a suit before the appropriate Court of civil jurisdiction. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
apd

07.06.2024

To

1.The District Forest Officer,
Thanjavur Division,
Thanjavur.

3/5



W.P.(MD) No.1962 of 2018

2.The District Collector,
Thanjavur District,
Thanjavur.

3.The Tahsildar,
Thiruvaiyaru Taluk,
Thanjavur.

4.The Village Administrative Officer,
43, Karuppur,
Thiruvaiyaru Taluk,
Thanjavur.

5.The Taluk Surveyor,
Taluk Surveyor Office,
Thiruvaiyaru Taluk,



WEB COPY



W.P.(MD) No.1962 of 2018

C.SARAVANAN, J.

apd

W.P.(MD) No.1962 of 2018

07.06.2024