



W.P.(MD)No.23435 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**W.P.(MD)No.23435 of 2024
and
W.M.P.(MD)Nos.19837 to 19839 of 2024**

M.Sathiyamoorthy

... Petitioner

-VS-

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Kamuthi Taluk,
Kamuthi,
Ramanathapuram District.

3.Mayakrishnan, S/o.Alagarsamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned orders dated 20.07.2024 and 20.08.2024 passed by the second respondent vide his proceedings Na.Ka.B7/2236/2024, quash the same and consequently, direct the first respondent to float a tender to cut and remove the



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Seemai Karuvelam Trees in S.Nos.100 and 165 of Idivilagi Village, Poolapathi, Kamuthi Taluk, Ramanathapuram District, by following the procedure contemplated under the Tamil Nadu Transparency in Tenders Act, 1998.

For Petitioner : Mr.C.Mayilvahana Rajendran
For R1 and R2 : Mr.P.Thilakkumar
Government Pleader
For R3 : Mr.S.C.Herold Singh

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

The complaint of the petitioner is that the third respondent, who was the successful bidder at the tender for cutting and removing *Prosopis juliflora* trees, situate in a lake called "இடிவிலகி பூலாபதி கண்மாய்" at Survey No.165 of Idivilagi Group Village, measuring about 41.89.5 Hectares, has cut and removed the trees, situate in Survey No.100, measuring about 34 Hectares.

2. While ordering notice, we had required the Forest Department to inspect the area and file a report. The Forest Range Officer, Paramakudi, has filed a report stating that the claim of the petitioner is correct. Though the auction was held for cutting and removing the trees situate in Survey No.165, measuring

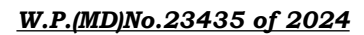


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about 41.89.5 Hectares, the third respondent had cut and removed the trees in Survey No.100. The tender notification reflects only to Survey No.165. The order issued to the third respondent on 20.07.2024, upon confirmation of his bid, reflects only to Survey No.165. Hence, the third respondent was not justified in cutting and removing the trees in Survey No.100.

3. The learned Government Pleader would, however, claim that the auction was for both the Kanmois and it included the entire extent of 75.89.50 Hectares, which was in two survey numbers, namely, Survey Nos.100 and 165.

4. The Tahsildar, Kamuthi, who was present in person upon our request, also would adopt the same stand. We are unable accept the submissions of the learned Government Pleader as well as the Tahsildar, Kamuthi, inasmuch as the tender notification is very clear that it is only for an extent of land measuring 41.89.50 Hectares in Survey No.165. Therefore, the cutting and removing of the trees in Survey No.100 cannot be accepted.



6. We also need to compensate the third respondent. The third respondent emerged as a successful bidder for a tender amount of Rs.1,05,200/-. He has cut and removed the trees situate in an extent of 5.25.0 Hectares. The value of the trees as per the report of the Forest Department is about Rs.1,753.33 per metric ton. The report of the Forest Department also shows that the trees remaining are of the value of Rs.90,252/-. Therefore, the value of the trees that were cut and removed by the third respondent would be Rs.14,948/-. The third respondent will therefore be entitled to refund of a sum of Rs.90,252/- with the proportionate GST already received from the third respondent. It is made clear that while conducting the next auction, the GST amount collected from the



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highest bidder in the next auction, can be adjusted towards the GST that is refunded to the third respondent. The third respondent is permitted to remove the trees that have already been cut and no further cutting of trees shall be permitted.

7. The Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : No
Index : No
smn2

[R.S.M., J.] [S.M., J.]
22.10.2024

To:-

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Tahsildar,
Kamuthi Taluk,
Kamuthi,
Ramanathapuram District.



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