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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 12617 of 2022
and WMP Nos. 12060 & 12061 of 2022**

S.Ranjith

Petitioner(s)

Vs

1. The District Collector
Salem District, Salem.

2. The Revenue Divisional Officer
Salem District, Salem.

3. The Executive Officer
Mallur, 1st Grade, Mallur Panchayat,
Salem.

4. The Divisional Engineer
Highways Department,
Kuranguchavadi, Salem.

5. The Assistant Divisional Engineer, (Construction and Maintenance)
Highways Department, Salem- 4.

6. The Tahsildar
Salem South, Salem.

Respondent(s)



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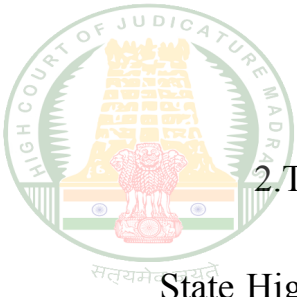
PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the proceedings i.e., (i) Proceedings of the 3rd respondent in Na.Ka. No. 89 / 22 dated 28.03.2022, (ii) Proceedings of the 5th respondent in Ka. No. Marangal / 2022 / U dated 13.04.2022 and quash the same and consequently, direct the respondents and their subordinates, their agents or any authorized persons not to cut down the seven Tamarind Trees situated at National Highway No.7, Mallur Village, Mallur Panchayat, Salem South Taluk, Salem.

For Petitioner(s): Mr.S.Shankar

For Respondent(s): Mr.V.P.R.Elamparithi
Additional Government Pleader
for R1, R2 & R4 to R6
Mr.S.Arumugam
Government Advocate for R3

ORDER

This writ petition has been filed challenging the impugned proceedings of the 3rd respondent dated 28.03.2022 and proceedings of the 5th respondent dated 13.04.2022 and for a consequential direction to the respondents not to cut down seven tamarind trees situated at National Highway No.7, Mallur Village, Mallur Panchayat, Salem South Taluk, Salem District.



2. The grievance of the petitioner is that in the guise of expansion of the State Highways, an attempt is being made to cut down seven tamarind trees in the national highways.

3. A counter affidavit has been filed by the 5th respondent and the relevant portions are extracted hereunder:

4. I submit that the president, 1st Grade Mallur Panchayat, Mallur Village, Salem South Taluk, Salem District has requested the 5th respondent to cut off Seven Tamarind trees on either side of the road at Km.216/800-217/2 of Mallur Villae road (Abandoned NH) in view of the resolution passed by the 1st Grade Mallur panchayaty to form a New Bus Stand to ease the traffic in the Village as per the resolution No.7(10) dated: 28.03.2022. And also stated that it is necessitated to provide the transport facilities to more than 12000 people living in Seventy more villages in and around especially 4500 students form the villages and more and more business men, for which, the president also requested to remove the encroachments along the said road sides.

5. I submit that on receipt of the above requisition letter from



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the President, Mallur Panchayat, the 5th respondent herein has wrote a letter to the Revenue District Officer, Salem for removing the seven living tamarind trees which are hindering to form a New Bus Stand and Widening the roads thereby as proposed by the Mallur Panchayat. It is submitted that the Highways Department can not remove the living trees without getting necessary orders from the 1st and 2nd respondent as per the existing rules in force. Before issuing orders from the Revenue authorities, the petitioner approaching the Hon'ble High Court for seeking remedy for it. It is submitted that orders of the Revenue Authority is not received so far. Hence this Writ Petition highly premature.

6. I submit that by the time while inspecting the road site as usual on 13.04.2022 the Highways officials found one Royal tree, the tree No.5 (Arasa Maram) was removed by an un identified mens at the road chainage Km.217/0 (Left side) of Mallur Village road (Abandoned NH7) in Km.216/050 - 217/530 without getting prior permission from the authority concerned. The necessary police compliant was lodged by the Assistant Divisional Engineer (Highways) Construction and Maintenance, Salem at Mallur police stations on 16.04.2022 the 5th respondent of the case herein and obtained C.S.R copy form the police Authority on the same day.



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7. I submit that this Highways Department officials came to known the fact of the removal of the Royal tree (Arasa maram) at chainage 217/0 was done by the Mallur Panchayat Officials only on receipt the letter from them Vide Letter No.89/2022/dated: 19.04.2022. In this letter they have reported that while eviction of encroachments in order to widening the Mallur Village road, the 100 year old Royal tree, which was in detoriation conditions laying on the support of the Bus Shelter endangering the public near by it and was fallen down naturally and immediately removed to avoid traffic congestion. In this connection the Mallur Panchayat official has agreed to remit the compensation in lieu of the fallen tree. The action is to be taken for getting the compensation by this 5th respondent which is in progress.

8. I submit that the petitioner himself declare that he is a social worker and the District office bearer of Naam Thamizhar Katechi filed this Writ Petition in the Nature of Public interest litigation for the welfare of the public before this Hon'ble High Court, unaware of the actions taken by the Highways Department as stated in the Previous Paras. The petitioner might have filed this Writ petition to gain personal name and fame and not for the sake of public. The requisition for removal of 7 tamarind tree is due to



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expansion of present Bus stop at Mallur Village by way of forming a New Bus Stand. It is submitted that the removal of trees in the working site shall be carried out on the permission of the concerned Revenue Authority, who are also insisting in the orders to plant 10 trees for the removal of one tree. This instructions are scrupulously followed by the Highways Department in all respect.

4.Heard Mr.S.Shankar, learned counsel appearing on behalf of the petitioner, Mr.V.P.R.Elamparithi, learned Additional Government Pleader appearing on behalf of respondents 1, 2, 4, 5 & 6 and Mr.S.Arumugam, learned Government Advocate appearing on behalf of the 3rd respondent.

5.On carefully going through the counter affidavit filed by the 5th respondent, it can be seen that the road expansion is being done in order to provide transport facilities for the welfare of the general public. Hence, the 5th respondent has sent a communication to the Revenue Divisional Officer, Salem seeking for permission to remove the seven tamarind trees and awaiting for the orders of the revenue authorities, since such permission is granted only after getting an undertaking to the effect that ten trees will be planted for removal of



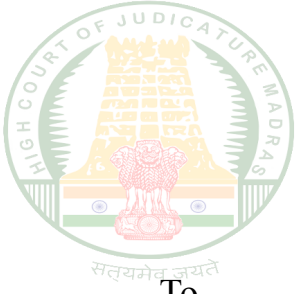
one tree. In the counter affidavit, it is undertaken that this instruction will be scrupulously followed by the Highways Department.

6.Taking into consideration the facts and circumstances of the case and the stand taken by the respondents, the restraint order passed against the respondent cannot continue considering the public interest involved in this case. However, the 5th respondent shall abide by the undertaking and comply with the directions issued by the revenue authorities by planting alternate trees in view of cutting down seven tamarind trees.

7.This writ petition is disposed of in the above terms. No Costs. Consequently, connected miscellaneous petitions are closed.

10-06-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
SSR



To
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N.ANAND VENKATESH J.

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