



WEB COPY

W.P. No.30696



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

AND

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.30696 of 2025

1. N. Selliyammal

2. Anjee

3. Malar

4. Lakshmi

5. N. Roja

Petitioners

vs.

1. The District Collector
District Collectorate
Dharmapuri District 636 705

2. The District Revenue Officer
District Collectorate
Dharmapuri District 636 705

3. The Revenue Divisional Officer
Revenue Divisional Office
Dharmapuri
Dharmapuri District 636 705



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4. The Tahsildar
Tahsildar Office
Palacode Taluk
Krishnagiri District - 635 109

5. Shanmugam

6. Murugan

7. Kodiyappan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the official respondents, particularly, the fourth respondent, to stop the illegal demolition made by respondents 5 to 7 in the petitioners' property measuring an extent of 0.11.0 hectare bearing Survey No.22, situated at Karakur Village, Panchapalli Post, Palacode Taluk, Dharmapuri District 636 812.

For petitioners Mr. G. Mohammed Aseef

For RR 1 to 4 Mr. A. Selvendran
Special Government Pleader

For RR 5 to 7 Notice dispensed with

**ORDER**

(made by HEMANT CHANDANGOUDAR, J.)

The captioned writ petition has been filed seeking issuance of a writ of mandamus directing the fourth respondent to restrain the private respondents, namely respondents 5 to 7, from removing the standing tamarind trees situated in Survey No.22, Karakur Village, Panchapalli Post, Palacode Taluk, Dharmapuri District (hereinafter referred to as "the said land" for the sake of brevity and clarity).

2. The case of the writ petitioners is that they were issued STT pattas in respect of the said land, which is classified as "Kallankuthu poramboke." According to them, there are about 30 tamarind trees standing on the said land. Claiming that the private respondents were attempting to remove those tamarind trees, the petitioners submitted a representation to the fourth respondent seeking intervention. Alleging inaction on the part of the fourth respondent, the petitioners have approached this Court by way of the present writ petition.

3. Issue Notice to the official respondents (respondents 1 to 4).

4. Mr. A. Selvendran, learned Special Government Pleader, accepted notice on behalf of the official respondents and submitted that the said land is proposed to be allotted to the Education Department for construction of a



school. He further submitted that the petitioners were granted STT pattas only for the limited purpose of enjoying usufructuary rights in respect of the tamarind trees standing on the said land and that, beyond such limited right, the petitioners have no title or ownership over the land itself.

5. Since no adverse order is being passed against respondents 5 to 7 (private respondents), notice to them is dispensed with. With the consent of the learned counsel for the petitioners and the learned State counsel for respondents 1 to 4, the writ petition itself is taken up for final disposal at the stage of admission.

6. The petitioners have placed on record, by way of typed set of papers, a communication dated 27.03.2012 issued by the fourth respondent (Tahsildar) addressed to the first petitioner, with copies marked to the Village Administrative Officer and the Revenue Inspector. In the said communication, it has been recorded that orders were made for the imposition of tree levy in respect of the standing tamarind trees on the said land. It has also been noted therein that the STT patta was issued for the year 2010 (fasli year 1420).

7. From the above, it is evident that the said land is not a private patta land but a Government poramboke land, and the tamarind trees standing thereon belong to the Government. In such circumstances, if the private



respondents or any third party attempt to remove the said trees unauthorisedly, it is the bounden duty of the official respondents to prevent such illegal removal.

8. In that view of the matter, and without expressing any opinion on the disputed questions as to whether the private respondents are in fact attempting to remove the tamarind trees or whether any usufructuary rights subsist in favour of the petitioners, we are of the considered view that it would suffice, to direct the fourth respondent to take appropriate and immediate action in the event of any such attempt by the private respondents or by any other person to illegally remove the tamarind trees from the said land.

9. In the light of the above observations and directions, this writ petition stands disposed of. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
20.08.2025

cad

Index : Yes/No

NC : Yes/No



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