

W.A.(MD)No.707 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

W.A.(MD)No.707 of 2025
and
C.M.P.(MD)Nos.4940 and 4948 of 2025

Alagarsamy

...Appellant

-Vs-

- 1.Palani
- 2.The District Collector,
Ramanthapuram,
Ramanathapuram District.
- 3.The Sub Collector,
Paramakudi,
Ramanathapuram District.
- 4.The Tahsildar,
Mudukulathur Taluk,
Ramanathapuram District.
- 5.The Assistant Director (Panchayats),
Ramanathapuram, Ramanathapuram District.
- 6.The Block Development Officer,
Village Panchayats,
Mudukulathur Panchayat Union,
Ramanathapuram,
Ramanathapuram District.

...Respondents



W.A.(MD)No.707 of 2024

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent Act, to set aside the order of this Court made in W.P.(MD)No.20060 of 2017 dated 21.01.2025.

For Appellant : Mr.D.Anbarasu
For R2 to R6 : Mrs.D.Farjana Ghoushia
Special Government Pleader

JUDGMENT

(Judgment of the Court was made by **S.SRIMATHY, J.**)

This writ appeal is filed against the order of this Court dated 21.01.2025 in W.P.(MD)No.20060 of 2017.

2.The appellant is the successful bidder in the tender for felling the trees in Vallakulam Kanmai. There is a dispute between two villages with regard to the jurisdiction of the Kanmai. Hence, the writ petition was filed seeking to determine the jurisdiction of Vallakulam Kanmai, so that the amount would be appropriated to the village in which the Kanmai is located. The said writ petition was disposed of by directing the second respondent to remove the trees in the Kanmoi. Thereby, the appellant was affected. Hence, he has filed this writ appeal.

3.The contention of the appellant is that when the tender was granted in favour of the appellant herein as early as in the year 2017 and when the appellant

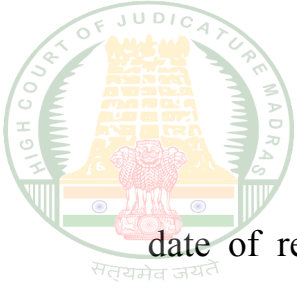


W.A.(MD)No.707 of 2024

has paid the bid amount, the direction issued by the learned Single Judge to remove the trees by the first respondent by affecting the rights of the appellant would not be justifiable.

4.This Court is of the considered opinion that the objection for felling the trees is by the villagers. It is not the mistake of the appellant as well as the Government. The appellant being a successful bidder, shall not let to be affected in view of the dispute between two villages regarding jurisdiction of Kanmoi. It is also brought to the notice of this Court that there is an increase in the rate of trees at present, in view of the pendency of the writ petition for all these years,. The appellant has taken the tender for a sum of Rs.8,000/- in the year 2017. If today the tender is conducted, the tender amount would come around Rs.45,000/-.

5.Since it is not the mistake of the appellant for the delay in felling the trees, we would like to fix a sum of Rs.25,000/- for the tender. The petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) within a period of one week from the date of receipt of a copy of this order. On such deposit, the official respondents shall issue necessary order for felling the trees. This process shall be completed within a period of one month from the



W.A.(MD)No.707 of 2024

date of receipt of a copy of this order. No costs. Consequently, connected
miscellaneous petitions are closed.

(J.N.B.,J.) (S.S.Y.,J.)
07.04.2025

Index : Yes/No
Internet : Yes/No
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To

- 1.The Deputy Director,
Directorate of Town and Country Planning Department,
Sivagangai District, Sivagangai-630 502.
- 2.The District Collector,
Sivagangai District, Sivagangai.
- 3.The Block Development Officer,
Sivagangai.



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W.A.(MD)No.707 of 2024

J. NISHA BANU,J.
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W.A.(MD)No.707 of 2025

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