



W.P.(MD) No. 18859 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 18859 of 2025

Nagaraj Pandian

... Petitioner

Vs

1. The District Collector,
Sivagangai Collectorate,
Sivagangai.

2. The District Forest Officer,
Sivagangai District,
Sivagangai.

3. The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

4. The Thasildhar,
Thiruppuvanam Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to extend the lease period for the non-operation period of three months as per order dated 08.03.2017



W.P.(MD) No. 18859 of 2025

WEB COPY

by the third respondent and consequently, direct the respondents not to interfere in cutting and removal of the Juliflora Trees (seemai karuvelam) in the Kondhagai Kanmai, comprised in S. No.4, 6, 7-1, 7-2, 8, 9, 10, 11-3, 11-5, 11-24, in Kondhagai Kanmai, Thiruppuvanam Taluk, Sivagangai District, based on the petitioner's representation dated 18.06.2025 and 05.07.2025.

For petitioner : Ms. A.Banumathy

For respondents : Mr.K.R.Badurus Zaman
Government Advocate

ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioner and learned Government Advocate for the respondents.

2. This is the third round of litigation before this Court at the behest of the petitioner. The petitioner had earlier participated in the tender floated by the Revenue Department on 08.03.2017. Thereafter, the contract was awarded to the petitioner on 17.01.2018, for cleaning the Semai Karuvelam trees in 274.86.0 Hectares of land, which was to be completed by 30.04.2018. However, the Forest



W.P.(MD) No. 18859 of 2025

Department, in turn, had objected stating that a part of the land was under the control of the second respondent/Forest Department. Therefore, the petitioner was unable to continue the work.

3. Under these circumstances, further extension was given to the petitioner on 30.04.2018 for completing the work upto 30.06.2018. However, the work could not be completed as there is a dispute between two Departments of the Government, namely, respondents 2 and 3.

4. In this connection, the petitioner had earlier approached this Court for a direction to the respondents to consider the petitioner's representation for extension of period in W.P(MD) No.9726 of 2019. The said Writ Petition was disposed of alongwith W.P(MD)No.9721 of 2019 filed by one K.Ambalam *vide* order, dated 24.04.2019, with the following observations:

“Heard the learned counsel on either side.

2. With the consent of the both the parties, the main writ petitions are taken up for final disposal, at the admission stage itself.

3. In both the writ petitions, the Revenue Divisional Officer, Sivagangai had issued proceedings in favour of the writ Petitioners permitting them to cut and remove “Karuvella” trees in the petition mentioned tanks, as they were the highest bidders in the auctions



W.P.(MD) No. 18859 of 2025

WEB COPY

conducted in this regard. The petitioners had also remitted the bid amounts. But then, due to reasons set out in the representations as well as in the affidavit filed in support of these writ petitions, they could not complete the work of uprooting and removing the trees. Therefore, they have submitted applications seeking extension of time. They were also granted such extension of time. Even within the extended period, they still could not complete the work. This is said to be on account of rain.

4.The learned counsel appearing for the writ petitioner states that the second respondent can be directed to consider their fresh applications for further extension of time.

5.The Second respondent is directed to pass orders on the said petitions seeking further extension of time within a period of two weeks from the date of receipt of a copy of this order.

6. These writ petitions stand disposed of, on these terms. No costs.”

5. Since the dispute between the two Departments was not reconciled, the petitioner was once again constrained to approach this Court along with the said K.Ambalam in W.P.(MD) No.21159 of 2019, wherein the Court had passed the following orders on 03.10.2019:

“Mrs. J. Padmavathi Devi. learned Special Government Pleader takes notice on behalf of the respondents.

2. By auction dated 13.02.2017, 14.02.2017 and 17.02.2017, the Revenue Department has auctioned cutting and removing of Karuvelam trees in S.Nos.4, 6, 7/1, 2, 8, 9 10 and 11/3 to an the Revenue extent of 274.86.0 hectares of area in Konthahai kanmai Sivagangai District and in S.No.90/1 to an extend of 47.19.5 hectares in Manalur Kanmai at Manalur Village, Thiruppuvanam Taluk, in



W.P.(MD) No. 18859 of 2025

WEB COPY

which, the respective petitioners are the successful bidders for removal of Karuvelam trees. They have also filed writ petitions in WP(MD) Nos: 9721 and 9726 of 2019 seeking extension of time to complete the work. This Court, by its order dated 24.04.2019, directed the second respondent therein to reconsider the petitioners' representations within a period of two weeks. However, the respondents have not taken any steps in this regard. In the meanwhile, it is seen that the Forest Department has floated another auction in respect of removal of Kasuvelam trees, standing in Konthagai Kanmai and Manalur Kanmai to an extent of 37.53 and 20.09 hectares respectively. The petitioners claim that already they are successful bidders in respect of those lands and therefore, auction should not go on. As per the auction notification issued by the Forest Department, it is scheduled to be held on 14.10.2019.

3. On a perusal of records, it is seen that auction was conducted on 13.02.2017, 14.02.2017 and 17.02.2017 for cutting and removing the Karuvelam trees standing in S.Nos. 4, 6, 7/1, 2, 8, 9, 10 and 11/3 measuring 274.86.0 hectares in Konthahai kanmai and in S.No.90/1 measuring 47.19.5 hectares in Manalur Kanmai at Sivagangai district. There is no clarity as to whether the very same areas are now put into auction by the Forest Department.

4. The learned Special Government Pleader brought to the notice of this Court to the proceedings of the District Collector, sivagangai in Na.Ka.bs/11626/2015, dated 19.12.2017, wherein it is stated that the auction conducted for the trees standing in forest lands, can be deleted and the bidders can be suitably compensated.

5. In a similar circumstance, a Division Bench of this Court in WP (MD) No.17632 of 2019 dated 09.08.2019, directed the first respondent therein to consider the petitioner's representation, in the light of the letter communicated by the District Forest Officer.

6. These issues can be decided at the time of final disposal of the writ petitions. For the present, the auction scheduled to be held on



W.P.(MD) No. 18859 of 2025

WEB COPY

14.10.2019 by the Forest Department can go on, only in respect of forest lands. This auction will not bind the previous auction conducted by the Revenue Department in respect of S.Nos.4, 6, 7/1, 2, 8, 9, 10 and 11/3 in Konthahai kanmai and in S.No.90/1 in Manalur Kanmai at Sivagangai District and the Forest Department is directed to keep the results in abeyance in respect of S1.Nos.81, 82 of Kondhagai village and S1.Nos.79 and 80 of Manalur bit 1 and bit 2, Thiruppuvanam Taluk, Sivagangai District till 30.10.2019.

7. This Court has already posted similar writ petitions before the Hon'ble Division Bench along with WP (MD) Nos. 4772 and 7771 of 2008 filed in Public Interest Litigation. Therefore, the Registry is directed to list the present writ petitions along with the above mentioned matters before Hon'ble Division Bench, after obtaining necessary orders from the Hon'ble Administrative Judge."

6. The learned counsel for the petitioner submits that out of 90 days of the contract, the petitioner was able to complete the work only for 15 days, which was nothing but a preliminary work.

7. The learned counsel for the petitioner further submits that the petitioner is willing to pay any additional amount that may be required, as there would be further growth of Semai Karuvelam trees during the period in dispute and submits that the issue is also reconciled in the decision rendered by this Court in



W.P.(MD) No. 18859 of 2025

WEB COPY

***W.P.(MD)18282 of 2019, order dated 12.03.2025 in the case of
S.M.Ulaganathan vs. The District Collector, Sivagangai and others.***

8. The learned Government Advocate for the respondents, on the other hand, submits that the petitioner has slept over rights and has not given any representation to the Forest Department.

9. That apart, it is submitted that the petitioner has to give two representations, one to the Forest Department and one to the Revenue Department, namely, the respondent 2 and 3 and this has not been done. Therefore, this Writ Petition is liable to be dismissed.

10. It is further submitted that In any event, in case the petitioner gives appropriate representation, the same will be considered.

11. I have considered the learned counsel for the petitioner and learned Government Advocate for the respondents.



WEB COPY

12. Strictly speaking, contract was voidable, as there was a mistake of fact and therefore, the issue ought to have been reconciled in terms of Section 20 of the Indian Contract Act, 1872, as per which the contract is void *ab initio*.

13. Be that as it may, it is noticed that the Writ Court has recently attempted to balance the interest of the persons, like petitioner in the case of **S.M.Ulaganathan**'s case (cited supra). The operative portion of the order is reproduced below:

“16. In the light of the above observations, I pass the following directions:-

(i) The Revenue Division Officer, Sivagangai District shall assess the amount that has to be paid by the petitioner for the additional and further growth of trees that has taken place between 2018 to till date the order is uploaded.

(ii) This exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

(iii) Prior to reassessing the value over the extent of 251.38 hectares of the forest area under the control of the Forest Department, the Revenue Divisional Officer shall consult the District Forest Officer, Sivagangai District and fix the figure that the Forest Department is entitled to receive.

(iv) If the District Forest Officer does not give the figure within the time period fixed by this Court, the Revenue Divisional Officer, Sivagangai District is free to fix the figure and proceed further.

(v) The Revenue Divisional Officer shall intimate the writ petitioner about the total amount that he has to pay for cutting



W.P.(MD) No. 18859 of 2025

WEB COPY

and removing the trees over the entire extent of 425.50.5 hectares.

(vi) He shall grant the petitioner four weeks time to pay the amount.

(vii) In case, the petitioner pays the amount within a period of four weeks, the Revenue Divisional Officer shall grant extension by a further period of three months.

(viii) In case, the petitioner does not pay the amount within the said period, the Revenue and Forest Departments are free to bring the right to cut the trees for auction without further notice of this Court."

14. This view appears to be more equitable, considering the fact that the petitioner had invested a sum of Rs.10,52,000/- in response to the auction notice dated 08.03.2017, after the contract was awarded to the petitioner on 17.01.2018.

15. Considering the fact that there would be further growth of Seemai Karuvalam trees during the period of last seven years, the respondents 2 and 3 may proportionately increase the bid amount asking the petitioner to pay the differential amount to the respective Departments.

16. This exercise shall be completed by the respective Departments within a period of thirty (30) days from today. Thereafter, the petitioner shall be directed



W.P.(MD) No. 18859 of 2025

WEB COPY

to complete the work as expeditiously as possible within such time frame that may be fixed for 98 and 176 acres by the respondents 2 and 3, respectively.

17. This Writ Petition is disposed of, with the above observations. No costs.

Index : Yes / No
Internet : Yes / No
apd

11.07.2025

To

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Sivagangai Collectorate,
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WEB COPY



W.P.(MD) No. 18859 of 2025

C.SARAVANAN, J.

apd

W.P.(MD) No. 18859 of 2025

11.07.2025