



W.P.(MD)No.31416 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 03.01.2025

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

W.P.(MD)No.31416 of 2024

S.Sasikumar

.. Petitioner

Vs

1. The Superintendent of Police
Kanyakumari District
 2. The Inspector of Police
Kadayalmoodu Police Station
Kaliyal Post, Kanyakumari District
 3. The Secretary Head load workers Union CITU
Kaliyal Post, Kanyakumari District.
 4. The Secretary Head load workers Union AIADMK
Kaliyal Post, Kanyakumari District.
 5. The Secretary Head load workers Union DMK
Kaliyal Post, Kanyakumari District.
 6. The Secretary Head load workers Union INTUC
Kaliyal Post, Kanyakumari District.
 7. The Secretary Head load workers Union BMS
Kaliyal Post, Kanyakumari District.
- .. Respondents**



W.P.(MD)No.31416 of 2024

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 09.12.2024 and thereby grant adequate police protection to cut and remove the trees belongs to the petitioner in Rsy No.382 of Kaliyal village, Vilavancode taluk Kanyakumari District and to take appropriate action against the wrong doers.

For Petitioner : Mr.G.Cenil

For Respondents : Mr.A.Thiruvadikumar
No. 1 and 2 Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the respondents 1 and 2 to consider the petitioner's representation dated 09.12.2024 and thereby grant adequate police protection to cut and remove the trees belongs to the petitioner in R.sy No.382 of Kaliyal village, Vilavancode taluk Kanyakumari District and to take appropriate action against the wrong doers.

2. The petitioner who is the owner of the rubber plantation in R.sy No.382 of Kaliyal village, Vilavancode Taluk, Kanyakumari District



W.P.(MD)No.31416 of 2024

intended to remove the old rubber trees and re-plant the same. The property of the petitioner has been notified as Private forest under the Preservation of the Private Forest Act, 1949. The petitioner had obtained permission from the Committee under the above act. On 09.12.2024 when the petitioner intended to cut the trees the employees of respondents 3 to 7 came and objected demanding money in the name of head load workers fees for allowing the petitioner to cut the trees using his employees. Hence sought for police protection so that the work is not obstructed. The employees of the petitioner are also fearing assault at the hands of the private respondents. The private respondents are using force and demanding protection money, hence sent a complaint, but no action has been taken, hence the present petition has been filed. The petitioner has also produced the copy of the order passed by the District Collector and President of the District Forest Committee in மு.எண்.2479 dated 28.07.2024 had granted permission for the petitioner to cut the old rubber trees and remove the same.

3. The learned Additional Public Prosecutor submitted that if the private respondents demand any such protection money or obstruct the



W.P.(MD)No.31416 of 2024

petitioner from employing his own employees to cut and remove the rubber plants which is against law. The second respondent will ensure that the cutting and removing of the trees by the own employee of the petitioner is not obstructed and the respondent police will not allow any arm twisting method or show any force and thereby violating law will not be permitted in any manner.

4. In view of the same, this Court direct the first respondent to ensure and depute adequate police force to the second respondent so that the petitioner herein can remove the old rubber plants and re-plant new rubber plants

5. With the above direction the Writ Petition stands disposed of.

No costs.

03.01.2025

Index: Yes/No
Internet : Yes/No
aav



W.P.(MD)No.31416 of 2024

To

WEB COPY

1. The Superintendent of Police
Kanyakumari District
2. The Inspector of Police
Kadayalmoodu Police Station
Kaliyal Post, Kanyakumari District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



WEB COPY



W.P.(MD)No.31416 of 2024

M.NIRMAL KUMAR, J.

aav

W.P.(MD)No.31416 of 2024

03.01.2025