



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 06.03.2026

CORAM

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THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.6066 of 2026

Vasantha

... Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Periyakulam,
Theni District.

3.The Tahsildar,
Andipatti Taluk,
Theni District.

4.Thangakodi

...Respondents

Writ Petition is filed under article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to cancel the cutting order in No.2943774/2025/G7 dated 03.11.2025, granted to the fourth respondent, for cutting the trees in S.Nos.40/11 and S.No.42/6 at Rayavelur (Utkadai), Palakkombai Village, Antipatti Taluk, Theni District by disposing representation dated 11.02.2026.



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For Petitioner
For R1 to R3

:Mr.R.Suriya Narayanan
:Mr.M.Senthil Ayyanar
Government Advocate

ORDER

The writ petition is filed for a mandamus directing the first respondent to cancel the cutting order dated 3.11.2025 granted to the 4th respondent for cutting the trees in survey Nos.40/11 and S.No.42/6 at Rayavelur (Utkadai), Palakkombai Village, Andipatti Taluk, Theni District.

2. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the contention of the petitioner is that, the petitioner is also co-owner of the property and without her consent, the trees cannot be cut. It can be seen that when the petitioner had filed O.S.No.4 of 2010 praying for partitioning the said property, the same came to be dismissed by a judgment and decree dated 7.1.2026. It is stated that the petitioner is filing an appeal and in the meanwhile, if the trees are cut, the position will become irreversible.

3. The learned Additional Government Pleader, who takes notice on behalf of the respondents 1 & 2, would submit that the permission was duly applied and it was granted as the trees are in the private land.



4. This writ petition is disposed of with the admission stage without notice to the 4th respondent.

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5. If the petitioner is the owner of the property and if pending the further proceedings in the Civil Court, the petitioner wants to prohibit or restrain the 4th respondent from cutting the trees, the remedy of the petitioner is only before the concerned Civil Court and the jurisdiction of this Court under Article 226 cannot be exercised in respect thereof. However, the only difficulty that is pleaded on behalf of the petitioner is that now the suit is dismissed and if only the certified copy is granted, the petitioner will be in a position to file an appeal and pray for such interim order.

6. In view thereof, this writ petition is disposed of on the following terms:-

Upon production of the web copy of this order, the learned Principal District Judge, Theni, is requested to forthwith issue the certified copy of the decree and judgment in O.S.No.4 of 2010 in the copy application that is stated to have been filed and is pending on behalf of the petitioner and it will be for the petitioner to approach the appropriate appellate Court, and from there on, the rights of the parties shall be determined as per the interim



orders, if any, passed in favour of the petitioner by the appellate Court. In order to enable the petitioner to approach the appellate court, the cutting order issued by the first respondent dated 03.11.2025, if it has not already been effected, shall be kept in abeyance for a period of two weeks from the date of receipt of the web copy of this order.

7. With the above directions, the writ petition is disposed of. No costs.

06.03.2026

NCC:Yes/No
am

To

- 1.The District Collector,
Theni District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Periyakulam,
Theni District.
- 3.The Tahsildar,
Andipatti Taluk,
Theni District.



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D.BHARATHA CHAKRAVARTHY, J.

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