

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2016

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

WP.Nos.6946 & 6948 of 2016

K.R.Sundaram

... Petitioner in WP.6946/2016

S.Megala

... Petitioner in WP.6948/2016

Versus

The District Collector & Chairman

The District Forest Committee

Salem.

... Respondent in both
the petitions

Writ petitions filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent Committee to consider and pass orders on petitioners' applications dated 29.09.2014 and 30.11.2015 submitted to the respondent committee to cut and remove 297 Silver Oak Trees from the petitioner's patta land, coffee plantations comprised in S.No.7/1. Chenkadu Village, Yercaud Taluk, Salem District [WP.No.6946/2016] and to cut and remove 882 Silver Oak Trees from the petitioner's patta land, coffee plantations comprised in S.Nos.5/1, 6, 7, 8, 9, 9/13, 12/1B, 3A, 3B, 3C, 11, 56/10, 2A2, 4 3 and 11, Chenkadu Village Yercaud Taluk, Salem District. [WP.No.6948/2016]

For Petitioners in

both WPs. : Mr.S.Kadarkarai

For Respondent in : Mr.N.Inbanathan

both WPs. Government Advocate [Forests]

COMMON ORDER

Heard the learned counsel for the petitioners ; Mr.N.Inbanathan, learned Government Advocate [Forests] appearing on behalf of the respondent and with their consent, the writ petitions are taken up for final disposal. Since the issue involved in these writ petitions is one and the same, they are disposed of by the following common order.

2. In both the writ petitions, the petitioners have sought for a direction to the respondent / Committee to consider and pass orders on their applications dated 29.09.2014 and 30.11.2015 respectively, to cut and remove the Silver Oak Trees, from the petitioners' patta lands. It is shown that these

applications are pending before the respondent / Committee constituted for each District.

3. The learned counsel for the petitioners submitted that similar directions were issued in a batch of cases in WP.Nos.24745/2013 etc., batch dated 10.09.2013, wherein a similar relief was sought for and the Court observed that a Statute mandates permission from the competent authority, it is incumbent on the Committee to consider the applications of the petitioners therein as per the provisions of the Act and keeping the applications pending for several years would amount to failure to discharge the duties. In such circumstances, the Court issued a writ of mandamus to the District Forest Committee, headed by the District Collector as its Chairman to pass orders on the applications given by those petitioners in accordance with the Tamil Nadu Hill Areas [Preservation of Trees] Act, 1955, within a time frame.

4. In the light of the above, there will be a direction to the respondent / Committee to consider the petitioners' applications dated 29.09.2014 and 30.11.2015, afford them an opportunity to place the facts and take a final decision in the matter within a period of **Six weeks*** from the date of receipt of a copy of this order.

5. The writ petitions are disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS II)
dt. 08.03.2016

Corrected order to go

//True Copy//

Sd/-
Assistant Registrar(CS II)
dt. 06.04.2016

Sub Assistant Registrar

AP
To
The District Collector & Chairman
The District Forest Committee Salem.

Corrected order to be
substituted despatched
on 17/03/2016

+2cc's to Mr.S.Kadarkarai, Advocate, S.R.Nos.12750 & 12751
+1cc to the Special Government Pleader(Forest), **S.R.No.12613***
+ 1 cc to Mr.S. Kadarkarai, Advocate SR.21461

W.P.Nos.6946 & 6948 of 2016

SV(CO)
CA(10/03/2016)
EU 06.04.2016