
(2010) 11 MAD CK 0388
In the Madras High Court
Case No : Writ Petition (MD) No. 4701 of 2009

C. Kalladiyan

APPELLANT

Vs

The District Collector, The Revenue Divisional Officer, The
Tahsildar, Tahsildar Office and R. Subramanian

RESPONDENT

Date of Decision : 01-11-2010

Acts Referred:

Citation : (2010) 11 MAD CK 0388

Hon'ble Judges : S. Nagamuthu, J;R. Banumathi, J

Bench : Division Bench

Advocate : C. Selvaraj, for the Appellant; K. Balasubramanian, A.G.P. for R1 to R3, for the Respondent

Final Decision : Allowed

Judgement

R. Banumathi, J.—Petitioner seeks Writ of Certiorarified Mandamus to quash the impugned Proceedings of 3rd Respondent in Moo. Mu. Aa.7/23900/08 dated 28.05.2009 permitting the 4th Respondent to cut and remove the trees in S.F. No. 490/1 for Rs. 5,600/-and to direct Respondents 1 to 3 to conduct fresh auction in accordance with law.

2. Heard Mr. C. Selvaraj, learned Counsel for Petitioner. We have also heard Mr. K. Balasubramanian, learned Special Government Pleader appearing for Respondents 1 to 3. 4th Respondent to whom permission for cutting and removing the trees for a sum of Rs. 5,600/-was granted served with notice, but has not entered appearance. His name was printed in the cause list.

3. For the purpose of upgradation of Elementary School to Middle School in Vanjinipatti village, more space was required and for which the trees in the premises was ordered to be cut and removed. By the impugned Proceedings dated 28.05.2009, 4th Respondent was permitted to cut and remove the trees for Rs. 5,600/-standing in S.F. No. 490/1. Case of Petitioner is that the trees in S.F. No. 490/1 would fetch higher value more than the amount of Rs. 50,000/-

and while so, without conducting any public auction the trees were sold for meagre amount of Rs. 5,600/-. In paragraph (5) of his affidavit, Petitioner himself has expressed his readiness to deposit Rs. 40,000/-.

4. On 29.10.2010, the 3rd Respondent-Tahsildar, Thirupathur and Personal Assistant to the 2nd Respondent-Revenue Divisional Officer were present in the Court. We have directed the Petitioner to deposit a sum of Rs. 40,000/-with the 2nd Respondent by way of Demand Draft. As per the order of the Court, Petitioner has deposited a sum of Rs. 40,000/-. Since the Petitioner himself has deposited Rs. 40,000/-for the value of trees, we are of the view that the amount of Rs. 5,600/-for which the 4th Respondent was permitted to cut and remove the trees in S.F. No. 490/1 is very meager. There is no material to show that any public auction was conducted for cutting and removing of the trees and therefore, the impugned Proceedings causing much revenue loss and is liable to be quashed.

5. In the result, the impugned Proceedings of the 3rd Respondent dated 28.05.2009 is quashed and this Writ Petition is allowed.

? Respondents 2 and 3 are directed to conduct public auction for cutting and removing of trees by issuing auction notice in two newspapers in "Dinamalar" and "Malaimurasu" and also in the District Gazette.

? For cutting and removing of trees, the upset price is fixed at Rs. 40,000/- (which the Petitioner has deposited).

? Petitioner is permitted to participate in the auction.

? If there is no taker for more than Rs. 40,000/-, the auction shall be confirmed in favour of the Petitioner.

? Since the interest of the school is involved, we direct that the above exercise to be completed within six months from the date of receipt of a copy of this order.

? Consequently, connected M. Ps. are closed. No costs.