



W.P.(MD) Nos.16022, 16029, 16036 and 16039 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) Nos.16022, 16029, 16036 and 16039 of 2020

and

W.M.P(MD) Nos.13434, 13435, 13438 and 13441 of 2020

- | | |
|--------------------|--|
| 1.A.Chinnakaruppan | ... Petitioner in W.P(MD) No.16022 of 2020 |
| 2.P.Karuppaiyah | ... Petitioner in W.P(MD) No.16029 of 2020 |
| 3.M.Adiyakki | ... Petitioner in W.P(MD) No.16036 of 2020 |
| 4.M.Mookkan | ... Petitioner in W.P(MD) No.16039 of 2020 |

Vs.

- 1.The Secretary to Government,
Revenue and Disaster Management Department,
Fort St.George,
Chennai-9.
- 2.The Secretary to Government,
Forest Department,
Fort St.George,
Chennai-9.
- 3.The Secretary to government,
Agriculture Department,
Fort St.George,
Chennai-9.



W.P.(MD) Nos.16022, 16029, 16036 and 16039 of 2020

4.The Commissioner of Land Administration,
Revenue Department,
Ezhilagam,
Chennai.

5.The District Collector,
Collectorate Campus,
Sivagangai District,
Sivagangai.

6.The District Collector,
Collectorate Campus,
Ramanathapuram District,
Ramanathapuram.

7.The District Forest Officer,
O/o.District Forest Officer,
District Forest Office,
Sivagangai District.

... Respondents
(in all petitions)

COMMON Prayer :- Petitions filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to issue an assignment order in respect of the property allotted to the petitioners in R.S.Nos.212/9, 212/3, 212/11 and 212/23 an extent of 4.70 Acres, 4.85 Acres, 4.61 Acres and 4.55 Acres respectively in Naramangalam Village, Devakottai Taluk, Sivagangai District, in proceeding No.Na.Ka.C.634/65 dated 14.06.1966 by the Special Joint



W.P.(MD) Nos.16022, 16029, 16036 and 16039 of 2020

Director of Agriculture Department (Coconut Tree Development Scheme), Ramanathapuram, as given under G.O.No.114, Revenue Department, dated 26.02.2008 in respect of Naripaiyur Village, Ramanathapuram District, within the time stipulated by this Court.

For Petitioner : Mr.N.S.Karthikeyan

For Respondents : Mr.T.Amjadkhan
Government Advocate
(in all petitions)

COMMON ORDER

The petitioners have filed the above writ petitions for a mandamus directing the first respondent to issue an assignment order in their favour in respect of the respective properties at Naranamangalam Village, Devakottai Taluk, Sivagangai District, within a time frame to be fixed by this Court.

2. It is the case of the petitioners that these lands have been allotted to them by the Special Joint Director of Agriculture Department (Coconut Cultivation Scheme) Ramanathapuram on 14.06.1966. The



W.P.(MD) Nos.16022, 16029, 16036 and 16039 of 2020

lands were given to them as per the scheme of the Government of Tamilnadu. The petitioners would submit that from the date of their allotment, they have been in peaceful possession and enjoyment of the properties by cultivating coconut trees right from the year 1966 onwards. However, on account of failure of monsoon, drought and natural calamities, they have not been able to cultivate the coconut trees and consequently, they have been cultivating seasonal crops in the said properties. Meanwhile, in the year 1985, some of the town and villages in Ramanathapuram District and Madurai District were hived off their original district and added to form the District of Sivagangai. The village in question, namely, Naranamangalam was also removed from the jurisdiction of the Ramanathapuram District.

3. It is the further case of the petitioners that after it has come within the jurisdiction of the District of the Sivagangai, the classification of the property has been wrongly noted as forest. Therefore, the revenue authorities and the forest authorities started treating the petitioners as encroachers and were trying to evict them from the properties. The



W.P.(MD) Nos.16022, 16029, 16036 and 16039 of 2020

petitioners would further submit that the Tahsildar, Devakottai has stated that the properties in Survey No.212 has been classified as sarkar poromboke and therefore, lies with the forest department. In the light of these frequent actions by the respondent, the petitioners have moved this Court seeking issue of patta in respect of the lands in their favour.

4.The seventh respondent has filed a counter *inter alia* denying the contentions of the petitioners and contending that one Subbaiah had filed W.P(MD)No.11106 of 2020 before this Court seeking directions to remove the encroachment in the forest lands in Survey No.212 of Kadambakudi Village and Survey No.241 of K.Siruvanoor Village of Naranamangalam Group and to restore the Forest Cover. By an order, dated 15.09.2020, this Court passed orders directing the respondents 2 and 3 to take steps to remove the encroachments and had also requested the Superintendent of Police, Sivagangai District to extend the necessary help. The said process was directed to be concluded within a period of twelve weeks. Pursuant to the said order, the Forest Settlement Officer had conducted an enquiry and had found that the land was described as



W.P.(MD) Nos.16022, 16029, 16036 and 16039 of 2020

Government Poramboke Kadu and the same has been encroached upon by 17 persons who have cultivated paddy in the said lands. The Collector of Sivagangai had already declared some of the lands including the land in Survey No.212 as “Reserved Forests” to be administered by the District Forest Officer by order dated 24.08.2004. Thereafter, eviction notice under Section 68-A of the Tamil Nadu Forest Act had been issued to all the above 17 persons including the petitioners as directed by the orders of this Court dated 15.09.2020 in WP(MD) No. 11106 of 2020. The petitioners had submitted their representations, which are received by the seventh respondent. Meanwhile, the petitioners had also filed the instant writ petition seeking issuance of an assignment order.

5. It is also brought to the notice of this Court that the petitioners had challenged the eviction notice issued by the respondents in WP(MD)Nos.1219 of 2021 etc., and this Court by order dated 27.01.2021 was pleased to call upon the seventh respondent therein namely District Forest Officer, who is arrayed as seventh respondent herein, to pass appropriate final orders on the representations made by



W.P.(MD) Nos.16022, 16029, 16036 and 16039 of 2020

the petitioners against the order of the District Collector passed in the year 2004 within a period of six weeks from the date of receipt of a copy of the order. Pursuant to this, the seventh respondent passed an order dated 05.03.2021 rejecting the contentions of the petitioners. This order has not been challenged. In the said order, the seventh respondent has passed the following orders:-

பார்வை 3ல் காணும் சென்னை உயர்நீதிமன்ற மதுரை கிளை W.P(MD) No.1219/2021 தீர்ப்பு நாள்: 27.01.2021ல் நான்கு வார காலத்திற்குள் மனுதாரரை தனிப்பட்ட விசாரணை செய்து இறுதி ஆணை வழங்க தெரிவிக்கப்பட்டுள்ளது. எனவே இது தொடர்பாக மாவட்ட வன அலுவலர் சிவகங்கை ந.க.எண். 6321/2020/வ, நாள் 25.02.2021ன்படி 01.03.2021 அன்று மாவட்ட வன அலுவலர் சிவகங்கை அலுவலர் முன் ஆஜராகி தங்கள் தரப்ப விசயங்கள் சொல்லப்பட்டது. மேலும் மாவட்ட வன அலுவலர் அரசு ஆதார ஆவணங்களை காட்டி விவரங்கள் எடுத்து கூறப்பட்டது. எனவே இது காப்பு நிலம் என்பதால் பார்வை 7ல் காணும் மாண்புமிகு உச்சநீதிமன்றம் தீர்ப்பின்படி காப்புநிலத்தினை காடு பயன்பாடு தவிர வேறு பயன்பாட்டிற்கு பயன்படுத்த கூடாது என்ற உத்தரவின்படி தங்களுடைய மனுவானது நிராகரிக்கப்படுகிறது என்பதனை இதன் மூலம் தெரிவிக்கப்படுகிறது.



W.P.(MD) Nos.16022, 16029, 16036 and 16039 of 2020

WEB COPY

6. In the light of the above, the reliefs claimed in this writ petitions have become infructuous and accordingly, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

02.06.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

cp

To

1.The Secretary to Government,
Revenue and Disaster Management Department,
Fort St.George,
Chennai-9.

2.The Secretary to Government,
Forest Department,
Fort St.George,
Chennai-9.

3.The Secretary to government,
Agriculture Department,
Fort St.George,
Chennai-9.



W.P.(MD) Nos.16022, 16029, 16036 and 16039 of 2020

WEB COPY

- 4.The Commissioner of Land Administration,
Revenue Department,
Ezhilagam,
Chennai.
- 5.The District Collector,
Collectorate Campus,
Sivagangai District,
Sivagangai.
- 6.The District Collector,
Collectorate Campus,
Ramanathapuram District,
Ramanathapuram.
- 7.The District Forest Officer,
O/o.District Forest Officer,
District Forest Office,
Sivagangai District.



WEB COPY



W.P.(MD) Nos.16022, 16029, 16036 and 16039 of 2020

P.T.ASHA, J.

cp

W.P.(MD) Nos.16022, 16029, 16036
and 16039 of 2020

Dated: 02.06.2023