



WEB COPY

W.A.Nos.2716, 2718, 2726 to 2728 & 2682 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.Nos.2716, 2718, 2726, 2727, 2728 and 2682 of 2025
and
C.M.P.Nos.21841, 21855, 21892, 21903, 21907 and 21546 of 2025

1.The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai – 600 005.

2.The District Collector,
Kallakurichi District,
Kachirapalayam Road,
Kallakurichi – 605 602.

3.The Revenue Divisional Officer,
Kallakurichi,
Kachirapalayam Road,
Kallakurichi – 606 202.

4.The Chief Conservation of Forest,
Panagal Maligai, Saidapet,
Chennai – 600 015.

...Appellants

Vs.

Subramaniyan

...Respondent in W.A.No.2716/2025

Velmurugan

...Respondent in W.A.No.2718/2025

P.Selvaraj

...Respondent in W.A.No.2726/2025

Sivamani

...Respondent in W.A.No.2727/2025



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P.Senthil Kumar

...Respondent in W.A.No.2728/2025

Annamalai

...Respondent in W.A.No.2682/2025

COMMON PRAYER: The Writ Appeals filed under Clause 15 of the Letters Patent praying to set aside the impugned common order passed in W.P.Nos.30239, 30218, 30211, 30368, 30370 and 30143 of 2024 dated 06.11.2024 and allow these Writ Appeals.

For Appellants : Mr.P.Ramanlal,
Addl. Advocate General
Assisted by Mr.T.Arun Kumar,
Addl. Govt. Pleader in all WAs
For Respondents : Mrs.N.Kavitha Rameshwar in all WAs

COMMON JUDGMENT

(Delivered by S.M.SUBRAMANIAM, J.)

Under assail is the common writ order dated 06.11.2024 in W.P.Nos.30239, 30218, 30211, 30368, 30370 and 30143 of 2024.

2. State preferred the present intra-Court appeal mainly on the ground that subject lands have been classified as forest lands. Therefore, directions issued by the writ Court to grant patta to the encroachers / respondents herein is in violation of provisions of the Forest Act and Rules framed thereunder.



3. Per contra, learned counsel appearing on behalf of respondents would submit that respondents are Scheduled Tribes and they are in possession of cultivating lands in Kalvarayan Hills for several decades. Thus, they are entitled for patta. The writ Court considered the issues and directed appellants herein to grant patta to the respondents. Thus, the present Writ Appeal is to be rejected.

4. The learned Additional Advocate General appearing on behalf of the appellants is unable to produce any document to establish that subject location has been declared as private forest and consequential notifications have been issued under the Act. However, facts can be captured from the proceedings of the District Collector, Villupuram dated 07.03.1999, which is a proposal sent to the Secretary to Government through the Special Commissioner and Commissioner of Land Administration. In the said proposal the Collector has stated as follows:-

5) On resumption of the Hills area from Jagidars the Survey and Settlement work was taken up. The folk (colloquial) word being used for cultivating lands is different from place to place. For instance, in plain areas ryots denote their cultivating land as Kalani (), Nilam (), Vayal () and Kollai (). The tribals used the folk as 'Kadu' (). The settlement officials during the settlement, operation, misonstrued the meaning of 'Kadu' and misclassified the lands in the village records.



6) According to the Settlement records, the Kalrayan Hills

are classified as follows:

(1) Kadu Poramboke	...	35,395-06-0 Hects.
(2) Cultivable land which is Proclaimed as 'Kadu Poramboke'	...	10,112-95-0 Hects.
(3) A.W.D. lands	...	1,103-26-0 Hects.
(4) Unassessed waste dry lands	...	716-20-5 Hects.
(5) Poramboke lands	...	1,862-33-5 Hects.
(6) Patta issued to ryots	...	8,153-78-0 Hects.

Total	...	57,343-59-0 Hects.
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7) The Government have appointed Forest Settlement Officer during the year 1983 to classify Kadu Poramboke and proclaimed into Reserve Forest and other cultivable area separately. The Forest Settlement Officer has divided the Kalrayan Hills (Comprising of 50 Revenue Villages) into 41 forest blocks for his administrative convenience. It the meantime, the Tribals of Karayan Hills moved the High Court, Chennai for the grant of land assignment which are encroached and enjoyed by them for pretty a long time and filed a Writ Petition in W.P.No.1210/85 and the High Court, of Judicature at Chennai in their order dated 24.2.94 directed that the tribals should apply for land assignment to the Collector within a period of 3 months from the date of receipt of Judgement and inturn the Government should scrutinise all such applications and settle the issue within a period of six months. Since, no applications were received from the tribals, a report to that



effect was sent to Government on 29.12.1994. Further, the post of Forest Settlement Officer was disbanded with effect from 31.5.1993 with the result the residuary work were given up and the 'Kadu Poramboke' were not converted into Reserve Forest till now.

8) In the meantime, the High Level Committee which was constituted by the Government recommended that Land assignment be issued at the rate of 1.00.0 Hectare per family. Accordingly, the enumeration was done by the then three Special Tahsildars, four years back and identified 7228 tribals families in Kalrayan Hills of them 4,217 families found to be landless tribals. Now, the tribal families are increasing considerably, but their encroachment has been taken into account prior to the verdict of High Court Order dated 24.02.1994, in this proposals for the issue of land assignment. In this connection, a report was already submitted in this office Ref.B2/7218/93, date 13.06.95 to the Special Commissioner and Commissioner of Land Administration, Chennai that assignment proposals have to be initiated to assign lands to tribals at the rate of 1.00.0 Hects. per tribal family. As decided earlier, the details of lands which are required to provide land assignment to 4217 families are as follows:

- | | |
|---|---------------------|
| (1) Assessed Waste Dry | .. 646.53.5 Hects. |
| (2) Unassessed Waste Dry | .. 296.15.5 Hects. |
| (3) To be reclassified from Kadu Poramboke which are under The cultivation & enjoyment Of the tribals | .. 3274.31.0 Hects. |



5. In view of the fact that subject lands are classified as Kadu Poramboke, un-assessed waste dry land (Tharisu), poramboke land, patta under the Tamil Nadu Patta Passbook Act cannot be granted as directed by the writ Court in the impugned order. Patta under the Tamil Nadu Patta Passbook Act can be issued if applicant is able to establish that he / she is the owner of the land. Section 3(1) of the Tamil Nadu Patta Passbook Act, 1983 enumerates that *“Thashildar shall issue patta passbook to every owner in respect of land owned by him on an application made by him in this behalf.”* “Limited owner” and “Owner” have been defined under Sections 2(5) and (6) of the Tamil Nadu Patta Passbook Act.

6. In the present case respondents admittedly are not owners of the subject land. They claim that they are in possession for long years and cultivating subject lands for their livelihood. The learned counsel for the respondents would submit that it would be suffice if conditional assignments are granted enabling Scheduled Tribe people to continue cultivation and to lead peaceful life.

7. Assignments are to be granted by the competent Authority under Revenue Standing Orders. Conditional assignment may be granted subject to eligibility and in consonance with terms and conditions stipulated under Revenue Standing Orders applicable.



8. Kalvarayan Hills was annexed with the Indian territory only in the year 1976 after 29 years of independence. The first ever election in this 1000 sq.km. was held only in the year 1996. Earlier there were no welfare activities including schools, roads, hospitals, employment opportunities and there was no police station in the Kalvarayan hills. Later on growth and progress in that location continued. Even thereafter men and women resorted to manufacture illicit arrack. It appears that there were no bus or motorable roads or transport facility were provided to people residing in several villages in Kalvarayan Hills. Poverty and want of livelihood forced men and women to resort to manufacturing of illicit arrack in Kalvarayan Hills. These aspects are to be considered by the Government for the purpose of grant of assignment to Scheduled Tribe people, who all are in possession of Government lands and cultivating the same.

9. However, several proceedings of the District Collector and Commissioner of Land Administration would show that the subject lands are classified as Kadu Poramboke, un-assessed waste land (tharisu), poramboke lands etc., The eligibility and other criteria as contemplated under the Revenue Standing Orders are to be taken into consideration for grant of conditional assignment to Scheduled Tribe people, who are already engaged in cultivating subject lands in Kalvarayan hill area.



10. The High Court in exercise of power of judicial review may not issue directions to grant patta or to assign Government lands. Such a policy / administrative decisions are to be taken at the Government level. Taking into consideration various factors and mitigating circumstances under which these Scheduled Tribe people in Kalvarayan Hills are placed, the Government being welfare State is expected to show compassion, in order to protect their livelihood, which is the basic right enshrined under the Constitution. In the present case, the respondents would submit that they are cultivating lands for long years. The said facts are also to be verified.

11. As far as the writ order impugned is concerned directions issued to grant patta under the Tamil Nadu Patta Passbook Act, 1983 cannot be sustained. In alternate this Court would direct the appellants to initiate all necessary actions to assess the lands encroached upon in that locality and submit necessary proposal to the Government for the purpose of grant of assignment based on eligibility criteria and by following procedures as contemplated under the Revenue Standing Orders applicable to that locality. If at all any portion of the land is already declared as forest area under the Forest Act then the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights)



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Rules, 2007 are to be followed for the purpose of conferring any right to these tribes in order to protect their livelihood. The said exercise is directed to be completed by the appellant in coordination with the Government and District Collector within a period of six (6) months from the date of receipt of a copy of this order.

12. With the above directions, these Writ Appeals stand **disposed of**.

No costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.S., J.) (M.S.Q., J.)
29.10.2025

dsa
Index :Yes/No
Neutral Citation :Yes/No
Speaking/Non-speaking order



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