

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 3/11/2015

C O R A M

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.32972 of 2015
and
M.P.No.1 of 2015

Tmt.A.Sasikala

... Petitioner

Vs

1. The Chief Conservator of Forests
Saidapet
Chennai 15.
2. The District Forest Officer
Thiruvallur
Thiruvallur District.
3. The Ranger
Forest Department
Thiruttani
Thiruvallur District.
4. The Revenue Divisional officer
Thiruvallur
Thiruvallur District.
5. The Tahsildar,
Pallipattu Taluk,
Pallipattu,
Thiruvallur District.

... Respondents

Prayer :-Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to forbear the respondents 1 to 3 from interfering with the possession and enjoyment of the property of the petitioner measuring an extent of 12 acres in Survey No.85/15 and Survey No.85/17 in Patta No.217 and Patta No.221 in Kakkaloor Village, Pallipattu Taluk, Thiruvallur District.

For petitioner : Mr.P.Ganesan
for M/s.C.S.Associates

For respondents : Mr.N.Inbanathan
Government Advocate (Forest)
for R.R.1 to 3.

Mr.S.Diwakar,
Additional Government Pleader
for R.R.4 and 5.

ORDER

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2. Heard Mr.P.Ganesan for the petitioner, Mr.N.Inbanathan, learned Government Advocate (Forests) for the respondents 1 to 3 and Mr.S.Diwakar, learned Additional Government Pleader for the respondents 4 and 5.

3. This writ petition is filed praying to forbear the respondents 1 to 3 from interfering with the possession and enjoyment of the property of the petitioner measuring an extent of 12 acres in Survey Nos.85/15 and 85/17 in Patta Nos.217 and 221 respectively in Kakkaloor Village, Pallipattu Taluk, Thiruvallur District.

4. The petitioner claims that her father was in possession and enjoyment of the aforestated land in question and after his demise, she is in enjoyment of the property and she and her sister had been granted patta in Patta Nos.217 and 221 for S.Nos.85/15 and 85/17 respectively.

5. The case of the petitioner is that the Forest Department now seeks to interfere with the peaceful possession of the petitioner stating that it is a forest land. The petitioner had made representations to the first and second respondents dated 3rd September 2013 and 9th September 2015 to the said effect. Finding no response from the authorities, the petitioner had filed this writ petition for the aforestated relief.

6. Mr.S.Diwakar, learned Government Advocate, appearing for the fourth and fifth respondents, on instruction submitted that, as per the proceeding in RC.No.22308/2014/N2 dated 10 June 2015 of the Collector, Tiruvallur, the land has been transferred to the Forest Department in connection with acquisition of forest lands for Thervoy Kandigai Reservoir Project at Gummidipoondi Taluk, Tiruvallur District and the changes has also been carried out in the village accounts.

7. On a careful perusal of the records produced by the petitioner prima facie shows that they do not appear to be genuine documents and the patta said to have been issued does not carry the seal of the Government which has an emblem of the State Government. In fact, 'A' register shows that the land in question is classified as 'Dry Anadeenam'.

8. In view of the above, the question of granting any relief for the petitioner does not arise and this Court is not inclined to pass any order at this juncture.

9. Accordingly, this writ petition being thoroughly misconceived is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Chief Conservator of Forests
Saidapet
Chennai 15.

2. The District Forest Officer
Thiruvallur
Thiruvallur District.

3. The Ranger
Forest Department
Thiruttani
Thiruvallur District.
4. The Revenue Divisional officer
Thiruvallur
Thiruvallur District.
5. The Tahsildar,
Pallipattu Taluk,
Pallipattu,
Thiruvallur District.

+1cc to M/s.C.S.Associates, Advocate, S.R.No.60553
+1cc to the Government Pleader, S.R.No.60733

W.P.No.32972 of 2015

GR(CO)
CA(18/11/2015)



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