

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.03.2015

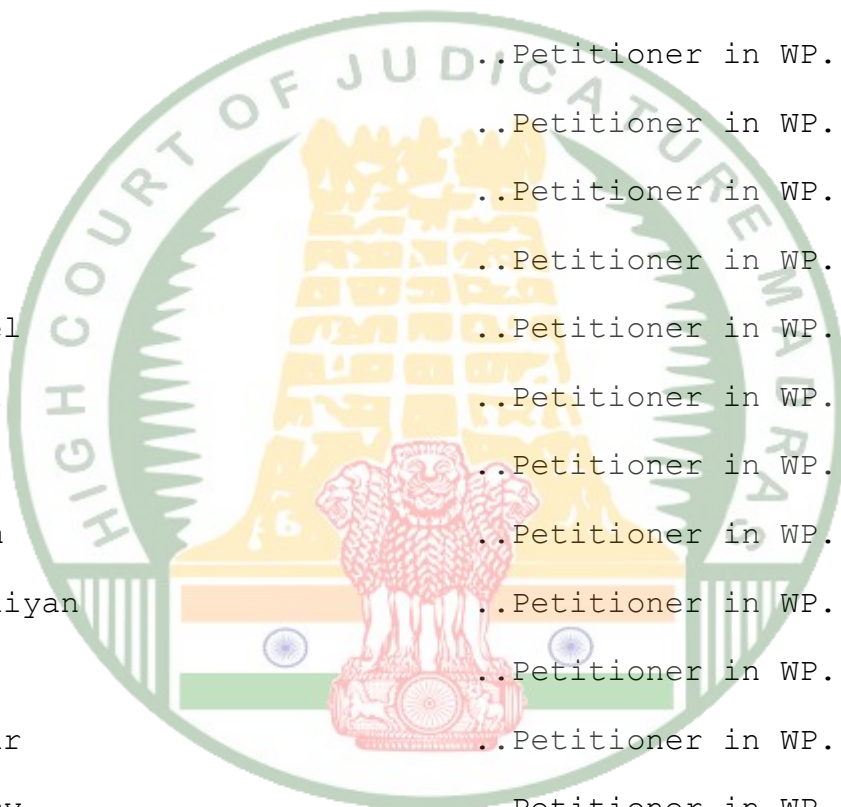
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.Nos.6343 to 6351, 6333 to 6342, 6418 to 6426, 6375 to 6385 and
6439 to 6448 of 2015

A.Sannasi ..Petitioner in WP.No.6343/2015.
K.Ganesan ..Petitioner in WP.6344/15.
N.Vijayalakshmi ..Petitioner in WP.6345/15.
N.Perumal ..Petitioner in WP.6346/15.
N. Chinnusamy ..Petitioner in WP.6347/15.
R. Palaniyammal ..Petitioner in WP.6348/15.
A.Anandan ..Petitioner in WP.6349/15.
Perumal ..Petitioner in WP.6350/15.
M.Pommayi ..Petitioner in WP.6351/15.
G.Matheswaran ..Petitioner in WP.6333/15.
P.Govindammal ..Petitioner in WP.6334/15.
D.Pichaimuthu ..Petitioner in WP.6335/15.
S.Jayalakshmi ..Petitioner in WP.6336/15.
C.Arumugam ..Petitioner in WP.6337/15.
A.Sivagami ..Petitioner in WP.6338/15.
K.Lakshmanan ..Petitioner in WP.6339/15.
M.Pachaimuthu ..Petitioner in WP.6340/15.
K.Selvaraj ..Petitioner in WP.6341/15.

A.Rajendran	..Petitioner in WP.6342/15.
C.Krishnan	..Petitioner in WP.6418/15.
Aththayi	..Petitioner in WP.6419/15.
D.Chandran	..Petitioner in WP.6420/15.
Ramasamy	..Petitioner in WP.6421/15.
Azhamarathan	..Petitioner in WP.6422/15.
P.Selvi	..Petitioner in WP.6423/15.
S.Anjalam	..Petitioner in WP.6424/15.
M.Rukmani	..Petitioner in WP.6425/15.
F.Shankar	..Petitioner in WP.6426/15.
A.Sakthivel	..Petitioner in WP.6375/15.
K.Anbumani	..Petitioner in WP.6376/15.
P.Mathesh	..Petitioner in WP.6377/15.
R.Rathinam	..Petitioner in WP.6378/15.
S.Subramaniyan	..Petitioner in WP.6379/15.
R.Selvi	..Petitioner in WP.6380/15.
D.Sivakumar	..Petitioner in WP.6381/15.
V.Kuppusamy	..Petitioner in WP.6382/15.
C.Krishnamurthy	..Petitioner in WP.6383/15.
M.Dhanabackiam	..Petitioner in WP.6384/15.
P.Anaimuthu	..Petitioner in WP.6385/15.
P.Muniyappan	..Petitioner in WP.6439/15.
V.Praba	..Petitioner in WP.6440/15.
S.Anjalam	..Petitioner in WP.6441/15.



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V.Chinasamy ..Petitioner in WP.6442/15.
C.Malarvizhi ..Petitioner in WP.6443/15.
A.Kandasamy ..Petitioner in WP.6444/15.
T.Raja ..Petitioner in WP.6445/15.
P.Chelladurai ..Petitioner in WP.6446/15.
Kandasamy ..Petitioner in WP.6447/15.
Ramasamy ..Petitioner in WP.6448/15.

-Vs-

1. The Secretary to Government,
Revenue Department, Fort St. George,
Chennai 9.
2. The Government to Government,
Environment and Forest Department,
Fort St. George, Chennai 9. ...1st and 2nd Respondents
in all petitions.

3. The District Collector,
Salem District, Salem.

4. The Tahsildar,
Athur Taluk, Salem District.

5. The District Forest Officer,
Salem District, Salem.

..Respondents 3 to 5 in
WP.Nos.6343 to 6348/15, 6336/15,
6342, 6418, 6420 to 6422/15, 6425,
6426, 6376 to 6378/15, 6380 to
6384 & 6445/15.

6. The District Collector,
Namakkal District, Namakkal.

7. The Tahsildar,
Rasipuram, Namakkal District.

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8. The District Forest Officer,
Namakkal District, Namakkal

..3rd, 4th & 5th Respondents in
WP.6349, 6350, 6351, 6533 to
6335/15, 6337 to 6341/15, 6419,
6423, 6424, 6375, 6379, 6385,
6439 to 6444, 6446 to 6448/15.

Prayer in WP.Nos.6343 to 6351, 6333 to 6342, 6418 to 6426, 6375 to 6385 and 6439 to 6448/2015:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of MANDAMUS to direct the respondents to consider the case of the petitioners in terms of the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers [Recognition of Forest Rights] Act, 2006 read with the Scheduled Tribes and Other Traditional Forest Dwellers [Recognition of Forest Rights] Rules, 2007 for issuance of patta to the petitioners.

For Petitioners in
all the writ petitions : Mr.V.Thirupathi
For RR 1, 3, and 4 in
WP.Nos.6343 to 6351,
6333 to 6342,
6375 to 6385/2015 : Mr.V.Jayaprakash Narayanan
Special Government Pleader
For RR 1, 3, and 4 in
WP.Nos. 6418 to
6426/2015 : Mrs.P.Rajalakshmi
Government Advocate
For RR 1, 3 and 4 in
WP.Nos.6439 to 6448/2015 : Mr.M.L.Mahendran
Government Advocate
For RR 2 and 5 in
all the writ petitions : Mr.Inbanathan
Government Advocate

सत्यमेव जयते COMMON ORDER

Heard Mr.V.Thirupathi, learned counsel for the petitioners ; Mr.V.Jayaprakash Narayanan, learned Special Government Pleader accepting notice for the respondents 1, 3 and 4 in WP.Nos. 6343 to 6351, 6333 to 6342, 6375 to 6385/2015 ; Mrs.P.Rajalakshmi, learned Government Advocate accepting notice for the respondents 1, 3 and 4 in WP.Nos.6418 to 6426/2015 ; Mr.M.L.Mahendran, learned Government Advocate accepting notice for the respondents 1, 3 and 4 in WP.Nos.6439 to 6448/2015 and Mr.Inbanathan, learned Government Advocate appearing for the respondents 2 and 5 in all the writ petitions and with their consent, the writ petitions are disposed of at the admission stage itself.

2.Since the issue involved in all these writ petitions is one and the same, the above writ petitions are disposed of by the following common order.

3.It is to be stated that the prayer sought for in these writ petitions was earlier dealt with by this Court in WP.Nos.35215 to 35234/2014 etc and batch and the same were disposed of on 09.01.2015. The operative portion of the order in WP.Nos.35215 to 35234/2014 etc and batch reads as follows:-

"12.In view of the above, while rejecting the prayer to quash the impugned proceedings, the writ petitions are disposed of with a direction to the Fast Track Court, Namakkal to hear and to dispose of the appeals filed by the Forest Department in CMA No.32/2011 etc., after hearing the parties, as expeditiously as possible, preferably within a period of six months from the date of receipt of this order. It is made clear that all the petitioners who are respondents in the appeals, shall co-operate in the expeditious disposal of appeals, without taking unnecessary adjournments.

13.It is made clear that the respondents should not evict the petitioners. The petitioners are directed not to encroach or put up any permanent construction or encumber the lands in question, during the pendency of the proceedings before the Fast Track Court, Namakkal....."

4.In the light of the above, these writ petitions are disposed of in the same line by directing the Principal District Courts at Namakkal and at Salem, to dispose of the respective appeals filed by the Forest Department, after hearing the parties, as expeditiously as possible, preferably within a period of six months from the date of receipt of this order. It is made clear that all the petitioners herein who are respondents in the appeals, shall co-operate in the expeditious disposal of appeals, without taking unnecessary adjournments.

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5.It is made clear that the respondents should not evict the petitioners. The petitioners are directed not to encroach or put up any permanent construction or encumber the lands in question, during the pendency of the proceedings before the Principal District Courts at Namakkal and at Salem. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

AP

To

1.The Secretary to Government
State of Tamil Nadu
Revenue Department, Fort
St. George, Chennai 600 009.

2.The Secretary to Government
State of Tamil nadu
Environment and Forest Department
Fort St George, Chennai 600 009.

3.The District Collector
Salem, Salem District.

4.The Tahsildar
Athur Taluk, Salem District.

5.The District Forest Officer
Salem, Salem District.

6. The District Collector,
Namakkal District, Namakkal.

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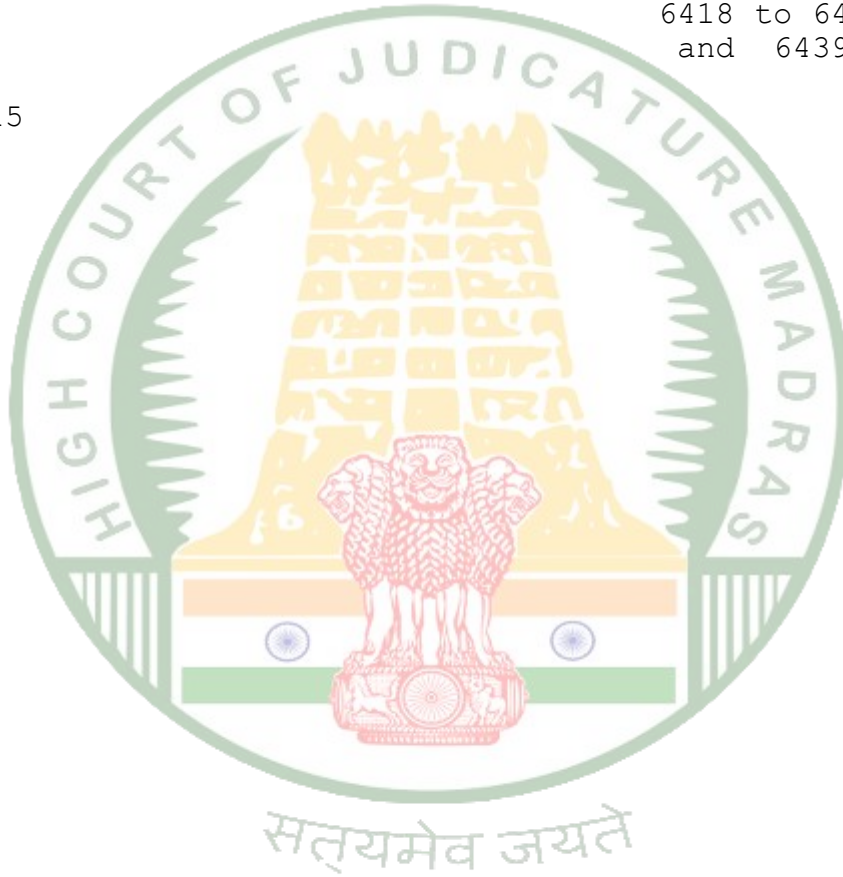
7] The Tahsildar,
Rasipuram, Namakkal District.

8] The District Forest Officer,
Namakkal District, Namakkal.

+ 50 CCs to Mr.V.Thirupathi, Advocate SR nos.13118 to 13122
+ 1 CC to Govt. Pleader SR NO 13247
+ 1 CC to Spl.Govt. Pleader [Forest] SR NO.12911

WP.Nos.6343 to 6351, 6333 to 6342,
6418 to 6426, 6375 to 6385
and 6439 to 6448 of 2015

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