

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.Nos.6495 to 6504, 6550 to 6559, 6565 to 6574, 6575 to 6582, 6583
to 6592 and 6671 to 6681 of 2015

1. P.Raja ..Petitioner in WP.6495/15
2. K.Mani ..Petitioner in WP.6496/15
3. C.Nallusamy ..Petitioner in WP.6497/15
4. C.Raju ..Petitioner in WP.6498/15
5. K.Sundarasu ..Petitioner in WP.6499/15
6. M. Periyasamy ..Petitioner in WP.6500/15
7. Poomalai ..Petitioner in WP.6501/15
8. A.Kanagamani ..Petitioner in WP.6502/15
9. Varadhan ..Petitioner in WP.6503/15
10. S.Kamatchi ..Petitioner in WP.6504/15
11. V.Srinivasan ..Petitioner in WP.6550/15
12. A. Perumal ..Petitioner in WP.6551/15
13. P.Mariyappan ..Petitioner in WP.6552/15
14. T. Periyasamy ..Petitioner in WP.6553/15
15. M. Vijayan ..Petitioner in WP.6554/15
16. T. Narayanan ..Petitioner in WP.6555/15
17. R.Kanagaraj ..Petitioner in WP.6556/15
18. P.Manickam ..Petitioner in WP.6557/15
19. S.Kamalam ..Petitioner in WP.6558/15
20. P.Vennila ..Petitioner in WP.6559/15

21. A.Anbazhagan ..Petitioner in WP.6565/15
22. R.Selvaraj ..Petitioner in WP.6566/15
23. S.Pachamuthu ..Petitioner in WP.6567/15
24. T.Palanisamy ..Petitioner in WP.6568/15
25. R. Palaniyammal ..Petitioner in WP.6569/15
26. M.Kannupaiyan ..Petitioner in WP.6570/15
27. P.Sadayan ..Petitioner in WP.6571/15
28. M.Rangasamy ..Petitioner in WP.6572/15
29. M.Raja ..Petitioner in WP.6573/15
30. P.Karthick ..Petitioner in WP.6574/15
31. R.Chellamuthu ..Petitioner in WP.6575/15
32. B.Rathinam ..Petitioner in WP.6576/15
33. S.Ramar ..Petitioner in WP.6577/15
34. M.Selvi ..Petitioner in WP.6578/15
35. P.Matheswaran ..Petitioner in WP.6579/15
36. N.Selvam ..Petitioner in WP.6580/15
37. M.Jayamani ..Petitioner in WP.6581/15
38. K.Rangasamy ..Petitioner in WP.6582/15
39. V. Angamuthu ..Petitioner in WP.6583/15
40. C. Palanisamy ..Petitioner in WP.6584/15
41. S.Dharmalingam ..Petitioner in WP.6585/15
42. P.Nallathambi ..Petitioner in WP.6586/15
43. M.Periyasamy ..Petitioner in WP.6587/15
44. P. Ramasamy ..Petitioner in WP.6588/15
45. P.Saravanan ..Petitioner in WP.6589/15

46. P.Solaimuthu ..Petitioner in WP.6590/15
47. R.Nainamalai ..Petitioner in WP.6591/15
48. C.Chandra ..Petitioner in WP.6592/15
49. Krishnaveni ..Petitioner in WP.6671/15
50. A. Aandi ..Petitioner in WP.6672/15
51. J.Raman ..Petitioner in WP.6673/15
52. G.Chinna Ponnu ..Petitioner in WP.6674/15
53. Jeyapaul ..Petitioner in WP.6675/15
54. Chellammal ..Petitioner in WP.6576/15
55. K.Rama Chandran ..Petitioner in WP.6677/15
56. D.Balasubramanian ..Petitioner in WP.6678/15
57. S.Palani ..Petitioner in WP.6679/15
58. Kuppusamy ..Petitioner in WP.6680/15
59. C.Nallathambi ..Petitioner in WP.6681/15

-Vs-

1. Secretary to Govt.,
Revenue Department,
Fort St. George, Chennai.

..1st Respondent in WP.6495 to 6504/15
6550 to 6559/15, 6565 to 6574/15, 6575,
to 6582/15, 6583 to 6592/15, 6671 to
6681/15.

2. The Secretary to Govt.,
Revenue Department,
Fort St. George, Chennai.

..2nd Respondent in WP.6495 to 6504/15,
6550 to 6559/15, 6565 to 6574/15, 6575
to 6582/15, 6583 to 6592/15, 6671 to
6681/15.

3. The District Collector,
Namakkal.

..3rd Respondent in WP.6495, 6496, 6550,
6552, 6556, 6566, 6567, 6568, 6569,
6570, 6571, 6573, 6574, 6575, 6576,
6579, 6582, 6585, 6586, 6587, 6588,
6589, 6590, 6592, 6675/15

4. The Tahsildar,
Raspuram, Namakkal.

..4th Respondent in WP.6495, 6496, 6550,
6552, 6556, 6566, 6567, 6568, 6569, 6570,
6571, 6573, 6574, 6575, 6576, 6579, 6582,
6585, 6586, 6587, 6588, 6589, 6590, 6592,
6675/15.

5. The District Forest Officer,
Namakkal.

..5th Respondent in WP.6495, 6496, 6550,
6552, 6556, 6566, 6567, 6568, 6569, 6570,
6571, 6573, 6574, 6575, 6576, 6579, 6582,
6585, 6586, 6587, 6588, 6589, 6590, 6592/15.

..6th Respondent in WP.6675/15.

6. The District Collector,
Salem.

..3rd Respondent in WP.6497/15, 6498, 6499,
6500, 6501, 6502, 6503, 6504, 6551, 6553,
6554, 6555, 6557, 6558, 6559, 6565, 6572,
6577, 6578, 6580, 6581, 6583, 6584, 6591,
6671/15, 6674, 6676, 6678, 6680/15 & 6681/15.

7. The Tahsildar,
Athur Taluk, Salem.

..4th Respondent in WP.6497/15, 6498, 6499,
6500, 6501, 6502, 6503, 6504, 6551, 6553,
6554, 6555, 6557, 6558, 6559, 6565, 6572,
6577, 6578, 6580, 6581, 6583, 6584, 6591/15,
6674/15.

8. The District Forest Officer,
Salem.

..5th Respondent in WP.6497/15, 6498, 6499,
6500, 6501, 6502, 6503, 6504, 6551, 6553,
6554, 6555, 6557, 6558, 6559, 6565, 6572,
6577, 6578, 6580, 6581, 6583, 6584, 6591,
6671, 6676, 6678, 6680/15 & 6681/15.

..6th Respondent in WP.6674/15.

9. The Tahsildar,
Gangavalli Taluk, Salem. ..4th Respondent in WP.6671/15, 6676,
6678/15, 6680/15, 6681/15.

10. The District Collector,
Dharmapuri District. ..3rd Respondent in WP.6672/15, 6673/15,
6679/15.

11. The Tahsildar,
Pappireddypatti, Dharmapuri. ..4th Respondent in WP.6672/15, 6673/15,
6679/15.

12. The District Forest Officer,
Dharmapuri District. ..5th Respondent in WP.6672/15, 6673/15,
6679/15.

13. The Forest Settlement Officer,
Attur, Salem District. ..5th Respondent in WP.6674/15,
6675/15.

14. The District Collector,
Vellore District. ..3rd Respondent in WP.6677/15.

15. The Tahsildar,
Tirupattur Taluk, Vellore. ..4th Respondent in WP.6677/15.

16. The District Forest Officer,
Vellore District. ..5th Respondent in WP.6677/15

Petitions presented under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus [i] directing the respondents to consider the case of the petitioner in terms of the provisions of the ST and Traditional Forest Dwellers [Recognition & Forest Rights] Act, 2006 read with ST and other Traditional Forest Dwellers [Recognition of Forest Rights] Rules 2007 for issuance of patta to the petitioner [WP.Nos.6495 to 6504/15, 6550 to 6559/15, 6565 to 6574/15, 6575 to 6582/15, 6583 to 6592/15].

[ii] directing the respondents to issue patta to the petitioner for the lands comprised in

[a] Indira Nagar, Veppadipalakadu, Pachamalai Villate, Tangavall Taluk, Salem District to an extent of 3.0 Acre [WP.6671/15, WP.6678/15, 6680/15 & 6681/15];

[b] Suriyakadai, Chitheri, Pappireddypatti North Mangalapuram Viz Pappireddy patti Dharmapuri District to an extent of 3.00 acres [WP.6672/15, 6673/15, 6679/15]

[c] Unsurvey Block 2.248, West street, Therumbal, Attur Taluk, Salem to an extent of 3 acre [WP.6674/15];

[d] Unsurvey Block-2, Naraikinaru, Rasipuram Taluk, Namakkal to an extent of 3.0 acre [WP.6675/15]
[e] Indira Nagar, Veppadipalakadu, Pachamalai Village, Ganagavalli Taluk, Salem to an extent of 2.0 acre [WP.6676/15]
[f] Nadukuppam post, Pudurnadu Village, Tirupathur Taluk, Vellore to an extent of 1.50 acre [WP.6677/15]

For Petitioners in
all the writ petitions : Mr.V.Thirupathi

For RR 1, 3, and 4 in
WP.Nos.6495 to 6504,
6575 to 6582/2015 : Mr.R.Vijayakumar
Special Government Pleader

For RR 1, 3 and 4 in
WP.Nos.6550 to 6559,
6565 to 6574/2015 : Mr.S.Gunasekaran
Government Advocate

For RR 1, 3 and 4 in
WP.Nos.6671 to 6681,
6583 to 6592/2015 : Mr.M.L.Mahendran
Government Advocate

For RR 2 and 5 in
all the writ petitions : Mr.M.K.Subramanian
Special Government Pleader [F]

COMMON ORDER

Heard Mr.V.Thirupathi, learned counsel for the petitioners ; Mr.R.Vijayakumar, learned Additional Government Pleader accepting notice for the respondents 1, 3 and 4 in WP.Nos. 6495 to 6504 and 6575 to 6582/2015 ; Mr.S.Gunasekaran, learned Government Advocate accepting notice for the respondents 1, 3 and 4 in WP.Nos.6550 to 6559, 6565 to 6574/2015; Mr.M.L.Mahendran, learned Government Advocate accepting notice for the respondents 1, 3 and 4 in WP.Nos.6671 to 6681 and 6583 to 6592 and Mr.M.K.Subramanian, learned Special Government Pleader [Forests] 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.

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 Courts concerned at Namakkal and at Salem. No costs.

सत्यमेव जयते

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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
Namakkal, Namakkal District.
- 4.The Tahsildar
Rasipuram, Namakkal District.
- 5.The District Forest Officer
Namakkal, Namakkal District.
6. The District Collector, Salem.
7. The Tahsildar, Attur Taluk, Salem.
8. The District Forest Officer, Salem.
9. The Tahsildar, Gangavalli Taluk, Salem.
10. The District Collector, Dharmapuri District.
11. The Tahsildar, Pappireddy Patti, Dharmapuri.
12. The District Forest Officer,
Dharmapuri District.
13. The Forest Settlement Officer,
Attur, Salem District.
14. The District Collector, Vellore.

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15. The Tahsildar, Tirupattur Taluk, Vellore.

16. The District Forest Officer, Vellore.

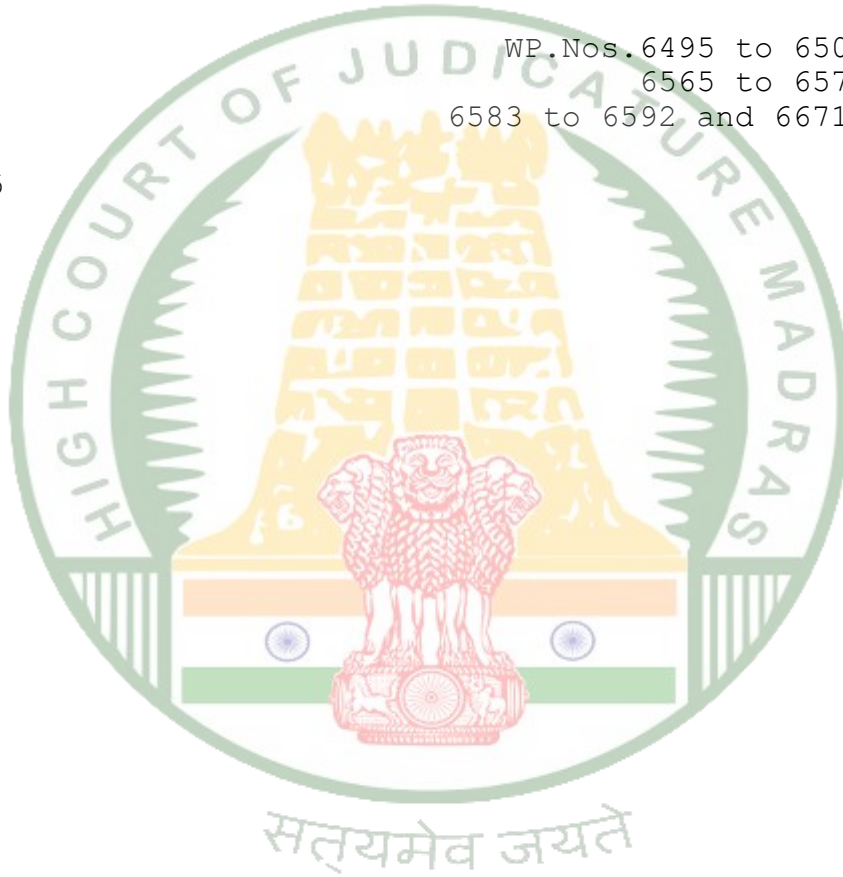
+ 58 CCs to Mr.V.Thirupathi, Advocate SR Nos.13761, 13762, 13764, 13765, 13766, 13775.

+ 1 CC to Govt. Pleader SR NO 13578

+ 1 CC to Spl. Govt. Pleader[Forests] SR Nos.13373, 13374.

WP.Nos.6495 to 6504, 6550 to 6559,
6565 to 6574, 6575 to 6582,
6583 to 6592 and 6671 to 6681 of 2015

ksj[co]
gp/30.3.15



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