

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.04.2015

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

WP.Nos.9573 to 9580 of 2015

A.Palanivel	... Petitioner in W.P.9573/15
M.MuthuKumar	... Petitioner in W.P.9574/15
C.Annadurai	... Petitioner in W.P.9575/15
K.Ashok Kumar	... Petitioner in W.P.9576/15
M.Joseph	... Petitioner in W.P.9577/15
C.Angmuthu	... Petitioner in W.P.9578/15
P.Manickam	... Petitioner in W.P.9579/15
K.Sundaram	... Petitioner in W.P.9580/15

Versus

1. The State of Tamil Nadu
Revenue Department, Fort
St. George, Chennai 600 009.
2. The State of Tamil Nadu rep. by the
Secretary to Government,
Environment and Forest Department
Fort St George, Chennai 600 009.
... R1 & R2 in W.P.9573 to 9580/2015
3. The District Collector
Salem, Salem District.
4. The Tahsildar
Athur Taluk, Salem District.
5. The District Forest Officer
Salem, Salem District.
... R3 to R5 in W.P.9573 to 9575/15 &
W.P.9577 to 9580/15
6. The District Collector,
Namakkal, Namakkal District.

7. The Tahsildar,
Rasipuram, Namakkal District.

8. The District Forest Officer,
Namakkal District.

... R3 to R5 in W.P.9576/15

Prayer in WP.No.9573/2015 to 9580/2015:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of MANDAMUS to direct the respondents to consider the petitioner's representation 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 petitioner.

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

For Respondents : Mr.M.L.Mahendran

COMMON ORDER

Heard Mr.V.Thirupathi, learned counsel for the petitioners and Mr.M.L.Mahendran, learned counsel for the respondents 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 by directing the Court concerned at Salem and Namakkal, 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 for 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 Court concerned at Salem and Namakkal. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Pricipal District Judge,
Salem.
2. The Pricipal District Judge,
Namakkal.

WEB COPY

3. The Chief Judicial Magistrate,
Salem.
4. The Chief Judicial Magistrate,
Namakkal.
5. The Additional District and Session Judge,
Fast Track Court, Salem.
6. The Additional District and Session Judge,
Fast Track Court, Namakkal.
7. The State of Tamil Nadu
Revenue Department, Fort
St. George, Chennai 600 009.
8. The State of Tamil Nadu rep. by the
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Athur Taluk, Salem District.
11. The District Forest Officer
Salem, Salem District.
12. The District Collector
Namakkal District.
13. The Tahsildar
Rasipuram, Namakkal District.
14. The District Forest Officer
Namakkal District.

+8cc's to Mr.V.Thirupathi, Advocate, S.R.No.18881
+1cc to the Government Pleader, S.R.No.18740

WP.Nos.9573 to 9580 of 2015

EV(CO)
CA(21/04/2015)