

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.06.2015

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mrs.Justice PUSHPA SATHYANARAYANA

Writ Petition No.19289 of 2010

A.Ponnudurai

... Petitioner

Versus

1.Government of Tamil Nadu
represented by its Chief Secretary
Secretariat, St. George Fort,
Chennai 600 009.

2.The Scheduled Caste and Tribal Welfare Department
Government of Tamil Nadu
represented by its Secretary,
St. George Fort, Chennai 600 009.

3.The District Collector, Salem District.

4.The District Collector, Villupuram District. .. Respondents.

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of mandamus, directing the respondents to issue title for forest land under occupation, title to community forest right and other benefits to the scheduled tribes in Salem and Villupuram Districts, as contemplated under the scheduled tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules 2007.

For Petitioner सत्यमेव जयते Mr.K.Sakthivel

For Respondents ::: Mr.S.T.S. Murthy,
Government Pleader

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O R D E R

(The Order of the Court was made by The Hon'ble The Chief Justice)

In pursuance to our last order, the Registry has stated that W.P.Nos.2762 and 2839 of 2009 were disposed of along with W.P.No.10098 of 2008 by a common order dated 07.04.2011 by a Division Bench of this Court granting the relief of enforcement of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition

of Forest Rights) Act, 2006, and Rules 2007 framed therein. We had also noticed that W.P.No.4533 of 2008 stands transferred to the Honourable Supreme Court in terms of the order passed in T.P.(Civil). Nos.414 to 417 of 2008 dated 27.01.2015 and we had been informed that as per interim orders, enforcement of the Act had been stayed.

2. Learned counsel for the petitioner has not been able to trace out the position of the matter before the Honourable Supreme Court.

3. None from the respondents' side is able to assist us. It is trite to say that if there is stay of the enforcement of the Act by the Honourable Supreme Court, there cannot be simultaneous implementation of the Act in pursuance to the directions of this Court.

4. In our view, no purpose would be served by keeping this matter pending as the Division bench has already opined qua enforcement of the same Act and Rules in W.P.Nos.2762 and 2839 of 2009 covering the subject matter of the present petition, and if the matter is pending before the Honourable Supreme Court and stayed, that implementation in turn would have to await the final verdict of the Honourable Supreme Court.

5. The writ petition accordingly stands disposed of. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

ksr

Copy to:

1. The Chief Secretary, Secretariat, St. George Fort, Chennai 600 009.

2.The Secretary, Scheduled Caste and Tribal Welfare Department
St. George Fort, Chennai 600 009.

3.The District Collector, Salem District.

4.The District Collector, Villupuram District.

1 cc to Government Pleader.Sr.No.29819

W.P.No.19289 of 2010

br(co)

pmk.24.6.2015