

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30501 of 2016

I.Ganesan

... Petitioner

Vs.

- 1 The District Collector of Salem,
Salem.
- 2 The Forest Officer, Yercaud,
Salem.
- 3 The District Forest Officer, Salem.
- 4 The District Level Committee,
District Collectors Office, Salem.
- 5 The Sub Divisional Committee,
District Collectors Office, Salem.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 4th respondent herein to consider the representation dated 10.03.2016 of the petitioner as per the decision of Grama Sabha dt 23/07/2011 in terms of the provisions of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, read with Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Rules 2007 and direct them to issue patta for the lands in Survey No.251, Madhur Village, Yercaud Taluk, Salem District.

For Petitioner : Mr.T.Dhanasekaran
For Respondent : Mr.S.V.Durai Solaimalai for R1, R4, R5
Additional Government Pleader
Mr.E.Manoharan for R2, R3
Additional Government Pleader(Forest)

ORDER

By consent, the writ petition is taken up for final disposal.

2.The petitioner claims that he belongs to Scheduled Tribe Community and hailing from a poor strata of the society and he is in occupation and cultivating the lands in S.No.251, Yercaud and he has also raised crops like Cholan, Thina and Samam etc., and also grown Cashew-nut crops, Mango and Jack Fruits trees. The petitioner would further state that when his possession was sought to be disturbed, he filed writ petition in W.P.No.10704 of 1996 before this Court and this Court vide order dated 11.08.2003, has disposed of the writ petition by observing that the removal of the huts shall not be made at the instance of the respondents therein, except under due process of law and also clarified that the said order cannot be taken to mean that the petitioner or anybody else claiming through the petitioner, can be allowed to re-enter into any of the lands which have been already taken possession of by the respondents.

3.The grievance expressed by the petitioner is that despite, the

Grama Sabha meeting made a positive recommendation for grant of patta, no action has been taken to grant the patta and hence, came forward to file this writ petition.

4.Heard the submissions of Mr.T.Dhanasekaran, learned counsel appearing for the petitioner, Mr.S.V.Durai Solaimalai, learned Additional Government Pleader who accepts notice on behalf of the respondents 1, 4, 5 and Mr.E.Manoharan, learned Additional Government Pleader (Forest) who accepts notice on behalf of the respondents 2 and 3.

5.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, directs the fourth respondent to take note of the communication of the Assistant Director (Town Panchayat), Office of the District Collector, Salem addressed to the fifth respondent in Na.Ka.No.1128/2016/A2, dated 31.03.2016 and pass orders, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

M.SATHYANARAYANAN,J.

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6.The writ petition is disposed of accordingly. No costs.

01.09.2016

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Index: Yes/ No

Internet: Yes/ No

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