



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2016

CORAM

THE HON'BLE MR.JUSTICE A.SELVAM

and

THE HON'BLE MR.JUSTICE P.KALAIYARASAN

W.P(MD) No.11740 of 2013

V.Thangaraj

... Petitioner

-vs-

1.The Principal Secretary to Government,
rep.by Government of Tamilnadu,
Fort Department,
Fort St.George,
Chennai - 600 009.

2.The Principal Chief Conservator of
Forests/Wild Life Warden,
Office of the Principal Chief Conservator of Forest,
Chennai.

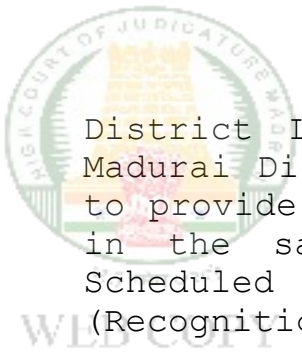
3.The District Forest Officer,
Madurai Range, Madurai.

4.The District Collector,
Madurai District.

5.The Tahsildar,
Office of the Tahsildar,
Peraiyur Taluk,
Madurai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents to construct houses to the 17 Scheduled Tribes Palliyar families in Palliyar colony, Alagammalpuram, Naganmanayakkan patti, Peraiyur Taluk, Madurai district, Consequently to direct the Respondents 4 and 5 to fix the 4 boundaries of the 3 acres assignment land allotted to the scheduled Tribes Palliyar Community people under landless poor agricultural families land assignment special plan 2006, by the fifth respondent by the order in Annai No.11656-(2)/11/C5 dated 01/01/2012 on the file of the fifth respondent and hand over possession of the land to the scheduled tribes beneficiaries forthwith, and to direct the respondents 1 to 4 to constitute



District Level Committee and sub-divisional level committee in Madurai District and all Districts in the State of Tamil Nadu and to provide adequate representation to the Scheduled Tribes members in the said Committees under Section 6(3) and 6(5) of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.D.Muruganandham
Additional Government Pleader

O R D E R

This Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, so as to direct the respondents to construct houses to 17 Scheduled Tribes Palliyar families in Palliar Colony, Alagammalpuram, Naganmanayakkanpatti, Peraiyur Taluk, Madurai District and also for directing the respondents 4 and 5 to fix four boundaries of three acres of land assigned and allotted to Scheduled Tribes as per order dated 01.01.2012 passed by the fifth respondent.

2.It is averred in the petition that the petitioner is a representative of Scheduled Tribes Palliyar families in Palliar Colony, Alagammalpuram, Naganmanayakkanpatti, Peraiyur Taluk, Madurai District. Further it is averred in the petition that an assignment of three acres of land has been given by the fifth respondent viz., Tahsildar, Peraiyur Taluk to certain persons, belong to Palliyar community. But the same has not been measured and allotted to each allottee. Under the said circumstances, a representation has been given by the petitioner on 23.04.2013 to the fourth respondent and the same has not been considered and therefore, the present writ petition has been filed.

3.It is seen from the records that under the direction of the fourth respondent, the fifth respondent has assigned three acres of land by his order dated 01.01.2012 for agricultural purpose. It is also seen from the records that on 23.04.2013 a representation has been given to the fourth respondent, wherein two requests have been made. First request is to construct a new house in the place of dilapidated houses; the second request is to measure the assigned land and fix four boundaries and after fixing the same, allot each area to each allottee.

4.As adverted to earlier, three acres of land has been assigned for agricultural purpose by the fifth respondent. Even though three acres of land has been assigned for agricultural purpose, no survey has been done so as to give the same to each allottee/assignee. Under the said circumstances, the second request

made in the representation is legally tenable.

5.As mentioned supra, the first request made in the representation is to construct new houses in the place after removing dilapidated houses and with regard to the purposes mentioned therein, a representation dated 23.04.2013 has been given to the fourth respondent viz., District Collector, Madurai District and the same has not been considered.

6.Considering the aforesaid factual aspects and also considering the fact that already assignment order has been passed by the fifth respondent and already representation dated 23.04.2013 has been given to the fourth respondent viz., District Collector, Madurai District, this Court is of the view to give the following direction to the fourth respondent.

7.In fine, this writ petition is allowed without costs. The fourth respondent viz., District Collector, Madurai District is directed to look the representation dated 23.04.2013 alleged to have been given by the petitioner for the purposes mentioned therein and pass suitable orders, if necessary after giving opportunities to the persons concerned, within a period of three months.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

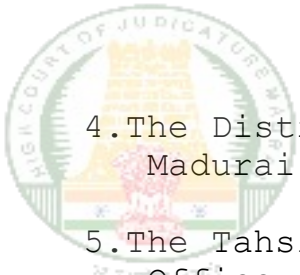
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To

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JAM/21.12.16/SS 3 /SAR 1/4p-6c

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