



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.04.2017

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.6635 of 2017
and W.M.P(MD)No.5222 of 2017

Paliyar Pazhangudiyinar Munnetra Sangam,
SKG Meenatchipuram Nagar,
Kuthiraiyaru Dam, Pappampatti Post,
Palani Taluk, Dindigul District,
Represented by its Vice President
K.Lakshmanan,
S/o.Kandhi,
Ponnurukki,
Sairumalai Pudur Post,
Dindigul District.

... Petitioner

vs.

- 1)The Secretary,
Governor's Secretariat,
Raj Bhavan, Guindy,
Chennai - 600 022.
- 2)The Secretary to Government,
Revenue Department,
Government of Tamilnadu,
Secretariat,
Fort St.George, Chennai - 600 009.
- 3)The Principal Chief Conservator,
Panagal Maligai, Saidapet,
Chennai - 600 015
- 4)The District Collector,
Velunachiar Valagam,
Dindigul - 624 004.
- 5)The District Forest Officer,
Velunachiar Valagam,
Dindigul - 624 004.
- 6)The Revenue Divisional Officer,
Dindigul District.
- 7)The Tahsildar,
Dindigul East, Mettupatti,
Dindigul District.



8) The Tahsildar,
Forest Settlement Officer,
Officer of the Collectorate,
Dindugal District.

... Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to safeguard the interest and ensure the rights of Paliyar Scheduled Tribes under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest right) Act 2006 and Rules 2008 by considering the representations dated 10.11.2016 and 14.02.2017.

For Petitioner	: Mr.R.Venkatesan
For Respondents	: Mr.C.Muthukannan, Government Advocate

O R D E R

This writ petition has been filed for issuance of writ of mandamus directing the respondents to safeguard the interest and ensure the rights of Paliyar Scheduled Tribes under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest right) Act 2006 and Rules 2008 by considering the representations dated 10.11.2016 and 14.02.2017.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

3. The petitioner has averred, among other things, that the petitioner and 500 members of his community people out of 100 families are residing in the Sirumalai Village, Dindigul District, which is forest area. They are only depending upon the forest and forest lands for their livelihood needs. The total extension of forest lands of Sirumalai Village is surveyed as 3881.165 hectares. As per G.O.Ms.No.15 Environment and Forest Department dated 04.02.2010 the extent of 3710.88.5 hectares has been declared as Reserved Forest. The remaining extents 1043.48.5 hectares in S.No.65 has been registered as Government Poramboke Forest in the Revenue records of the 'A' register Book and Adangal Extracts.

4. The grievance of the petitioner is that unauthorized persons entered into the forest area and they cut down 200 trees for which no action has been taken by the Government. The petitioner's apprehension is that the forest officials are making arrangements to assign the forest lands, which were declared as reserved forest by the notification of Section 16 of the Tamilnadu Forest Act 1882, to the persons other than forest residents for agricultural purpose and they are taking steps to grant patta to some other persons.

5. The learned Government Advocate appearing for the respondents on instruction would submit that it is only presumption of the petitioner and the land which has been declared as reserved forest would not be allotted to any person and it is not possible to do so.

6. I have considered the submission made on either side and perused the materials placed on record.

7. On a perusal of affidavit, it is seen that the petitioners have come forward before this Court on a presumption that the respondents are taking steps to assign the reserved forest lands to some other persons for agricultural purposes.

8. The learned Government Advocate brought to the notice of this Court that though the land has been notified as reserved forest, the respondents are taking steps only to plant trees in that area.

9. Recording the submission of the learned Government Advocate appearing for the respondent that the respondents are taking steps only for plantation of trees in the forest area, this writ petition is closed. No costs. Consequently, connected W.M.P.MD No.5222 of 2017 is also closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

- 1)The Secretary, Governor's Secretariat,
Raj Bhavan, Guindy, Chennai - 600 022.
 - 2)The Secretary to Government, Revenue Department,
Government of Tamilnadu, Secretariat,
Fort St.George, Chennai - 600 009.
 - 3)The Principal Chief Conservator, Panagal Maligai, Saidapet,
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 - 5)The District Forest Officer, Velunachiar Valagam,
Dindigul - 624 004.
 - 6)The Revenue Divisional Officer, Dindigul District.
 - 7)The Tahsildar, Dindigul East, Mettupatti, Dindigul
District.
 - 8)The Tahsildar, Forest Settlement Officer, Officer of the
Collectorate, Dindigul District.
- +1cc to M/S.Right Law Associates,SR.54015

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