



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.1759 of 2018

Tamilarasan

... Appellant

-vs-

- 1.The Government of Tamil Nadu
rep.by its Principal Secretary,
Department of Revenue,
Government of Tamil Nadu, Secretariat,
Fort St.George, Chennai-600 009.
 - 2.The District Collector,
District Collector Office,
Dharmapuri District,
Dharmapuri.
 - 3.The Project Director for Scheduled Tribes Welfare,
Harur, Dharmapuri District.
 - 4.The District Forest Officer,
O/o. District Forest Officer,
Harur Division, Forest Range Office Campus,
Harur, Dharmapuri District.
 - 5.The Block Development Officer / Special Officer,
Union Office Harur, Harur,
Dharmapuri District.
- ... Respondents

Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.No.15219 of 2018 dated 25.06.2018.

WP.NO.15219/2018:

Writ Petition filed Under Article 226 of the Constitution of India to issue a Writ of Mandamus to Direct the respondents 2 to 5 to issue patta infavour of the petitioner by considering the petitioner representation on 22.05.2018 as per the scheduled



Tribe and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.

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For Appellant :: Mr.Govarthan for
Mr.R.Thirumoorthy

For Respondents :: Mr.P.S.Sivashanmugasundaram,
Spl.GP for R1 to R3 and R5

Mr.M.Santhanaraman,
AGP(Forests) for R4

JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

The appellant has been in possession and enjoyment of the land to an extent of about 70 cents in S.No.47-8B at Sooranatham Village in Kottapatti reverence Sub-Division for several years, along with family members. According to the appellant, the said land is being enjoyed by him and his family members for several decades. The appellant made several representations to the concerned authorities requesting them to issue patta, since the appellant and his family members have been carrying out agricultural work. Since there was no response from the authorities, the appellant filed a writ petition before this Court in W.P.No.15219 of 2018 praying for a direction to the respondents 2 to 5 to consider his representation dated 22.05.2018 as per the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

2.After considering the facts and circumstances of the case, the learned single Judge dismissed the writ petition by order dated 25.06.2018 holding that the appellant is not the owner of the property and the appellant himself has admitted that he is in possession and enjoyment of the land belonging to the Forest Department. The learned single Judge has also observed that patta cannot be issued in respect of the forest land.

3.Challenging the order passed in the writ petition, the present appeal has been filed.

4.The learned counsel for the appellant has submitted that the appellant inadvertently mentioned in the writ petition that he is entitled to get patta as per the provisions of Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, since the revenue authorities informed the appellant that the said land is classified as forest land. But after verifying the revenue records, the appellant came to know that it is classified only as Government Poramboke. Stating so, the learned counsel for the appellant has submitted that



considering the poor status of the appellant, the learned single Judge ought to have directed the authorities to consider his grievance.

5.The learned Special Government Pleader appearing for the respondents 1 to 3 and 5 and the learned Additional Government Pleader appearing for the fourth respondent have submitted that even if it is Government poramboke land, the appellant cannot be issued patta.

6.Heard the learned counsel on either side and perused the materials available on record.

7.On the ground that the land in question belongs to Forest Department, the learned single Judge held that patta cannot be issued to the appellant. But it is stated by the appellant in one of the grounds that after verification of the revenue records, the appellant came to know that the land in question is classified as Government Poramboke. It is the submission of the learned counsel for the appellant that the issue can be reconsidered by the authorities and prays for remanding the matter.

8.In these circumstances, this Court deems it fit to direct the respondents 2 to 5 to consider the representation dated 22.05.2018 made by the appellant, on merits and in accordance with law, and pass appropriate orders, within a period of two months from the date of receipt of a copy of this judgment.

9.The writ appeal is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

KM

To

1.The Principal Secretary to Government,
Government of Tamil Nadu
Department of Revenue,
Secretariat, Fort St.George, Chennai-600 009.



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2.The District Collector,
District Collector Office,
Dharmapuri District,
Dharmapuri.

3.The Project Director for Scheduled Tribes Welfare,
Harur, Dharmapuri District.

4.The District Forest Officer,
O/o. District Forest Officer,
Harur Division, Forest Range Office Campus,
Harur, Dharmapuri District.

5.The Block Development Officer / Special Officer,
Union Office Harur, Harur,
Dharmapuri District.

+1cc to Special Government Pleader(Forest) sr.no.66440

+1cc to Mr.R.Thirumoorthy, Advocate sr.no.66423

W.A.No.1759 of 2018

kji(co)
nr 28/11/2018