

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.03.2018
CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.A.No.289 of 2018
and
C.M.P.Nos.2200 and 2201 of 2018

Tea Estates India Limited,
Rockwood Estate,
Registered Office at
10, Damu Nagar,
Coimbatore-641 045.

.. Appellant

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Revenue Department,
Fort St.George, Chennai-600 009.
2. The Settlement Officer
and District Revenue Officer,
Gudalur Janmam Lands,
Gudalore, The Nilgiris District.
3. The District Collector,
Collectorate, Udhagamandalam,
The Nilgiris.
4. The District Forest Officer,
O/o The District Forest Officer,
Gudalur, The Nilgiris.
5. The Thasildar,
Taluk Office,
Pandalaur, The Nilgiris.

.. Respondents

Writ Appeal filed Clause 15 of the Letters Patent against
the order dated 20.12.2016 passed by the learned Single Judge in
W.P.No.26035 of 2011 on the file of this Court.

WP.No.26035 of 2011:Writ petition filed under Article 226 of
Constitution of India, seeking a writ of certiorari, calling for
the records of the second Respondent comprised in the
Notification issued by the second Respondent in
Na.Ka.No.370/2011 dated 03.08.2011 as published in the Nilgiris

District Gazette Extra Ordinary Edition dated 11.08.2011 in respect of the determination made by the second respondent relating to lands comprised in Survey Nos.904 905 907/1 & 923 in Nelliyalam Village of Pandalur Taluk in Nilgiris District admeasuring 263.57 acres 17 acres 137.80 acres 2.63 acres & 5.85 acres respectively aggregating to 426.85 acres and to quash the same as being arbitrary and illegal and violative of the Tamil Nadu Gudalur Janmam Estates (Abolition and Conversion in to Ryotwari) Act 1969.

For appellant : Mr.J.Sivanandharaj for V.Sankaranarayanan
For respondents: Mr.A.N.Thambidurai,
Spl.G.P. for RR-1 to 3 and 5
Mr.M.Santhana Raman, Addl.G.P.(F) for R-4

JUDGMENT

(The Judgment of the Court was delivered by S.Vaidyanathan, J)

The Writ Appeal is filed against the order dated 20.12.2016 passed by the learned Single Judge in W.P.No.26035 of 2011 on the file of this Court.

2. Heard both parties and perused the materials available on record.

3. In a batch of Writ Petitions in W.P.No.27058 of 2011, etc., (including W.P.No.26035 of 2011), by the impugned order dated 20.12.2016, the learned Single Judge has observed as follows in paragraphs 31 to 37:

"31. The learned counsel for the petitioners submitted that in the event of the Settlement Officer or the Tribunal granting ryotwari pattas to the petitioners in respect of land which has been declared as "forest" by the impugned notification, it will indeed cause serious prejudice to them.

32. There appears to be force in their apprehension. Therefore, this Court directs that in the event of the petitioners being given ryotwari pattas in respect of land declared as "forest" in the impugned notification, to that extent, the notification will stand modified. It is hereby clarified that the findings of the Settlement Officer or the Tribunal, as the case may be, shall be on the merits of the cases and without being influenced by the impugned notification in any manner whatsoever.

33. It is seen that the proceedings before the Tribunal and the Settlement Officer are pending for quite a long time. Hence, it will sub-serve the interest of justice if the cases are disposed of at the earliest, so that the

parties are aware of their respective rights.

34. Accordingly, this Court directs the Tribunal (District Judge, Ootacamund) to dispose of C.M.A.Nos.17, 20 and 22 of 2008 within three months from the date of receipt of a copy of this order.

35. As regards the claim of the petitioners in W.P.No.22659 of 2011 and 24853 of 2011, the Settlement Officer, Gudalur is directed to dispose of the same within six months from the date of receipt of a copy of this order.

36. Mr.Santhanaraman, learned Additional Government Pleader submitted that there are about 300 cases still under consideration on the file of the Tribunal (District Judge, Ootacamund) and that the encroachers, taking advantage of the pendency of the litigations, are blatantly usurping the forest lands, as a result of which, not only the very ecology is under serious threat, but has also led to increase in incidents of man-animal conflicts. It is reported that in the year 2016 alone 12 people were killed by elephants, 2 were killed by tiger and the authorities had to gun down the tiger.

37. Taking note of the above submission made by Mr.Santhanaraman, the District Judge, Ootacamund, is directed to bestow his kind attention to this aspect and take effective steps to dispose of all the cases expeditiously.

With the above directions, these Writ Petitions stand dismissed. Costs made easy. Connected Miscellaneous Petitions are closed."

Aggrieved by the above said order passed by the learned single Judge, the present Writ Appeal is filed.

4. It is seen that as against the above said order of the learned single Judge in the said batch of Writ Petitions, two Writ Appeals have been filed in W.A.No.767 of 2017 and W.A.No.899 of 2017 and by judgments dated 07.07.2017 and 09.10.2017 respectively, the said Writ Appeals were disposed of holding that it is the duty of the Settlement Officer uninfluenced by any of the observations found in the judgment, to deal with the claim for grant of Ryotwari Patta entirely on its own merits and strictly in accordance with law by assigning proper reasons for his conclusion drawn either way.

5. As the Gazette Notification dated 11.08.2011 was upheld by the learned Single Judge, we are not going to interfere with any of the findings of the learned Single Judge. Further, the issue in the present Writ Appeal is covered by the above said

two judgments in W.A.Nos.767 and 899 of 2017. Hence, in terms of the observations made in the said judgments in W.A.Nos.767 and 899 of 2017, it is open for the Settlement Officer to decide the issue regarding the grant of Ryotwari patta entirely on its own merits and in accordance with law, within a period of three months from the date of receipt of a copy of this judgment.

6. With the above observations and direction, the Writ Appeal is disposed of. No costs. Consequently, C.M.Ps. are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The State of Tamil Nadu,
Represented by its Secretary,
Revenue Department,
Fort St.George, Chennai-600 009.
2. The Settlement Officer
and District Revenue Officer,
Gudalur Janmam Lands,
Gudalore, The Nilgiris District.
3. The District Collector,
Collectorate, Udhagamandalam,
The Nilgiris.
4. The District Forest Officer,
O/o The District Forest Officer,
Gudalur, The Nilgiris.
5. The Thasildar,
Taluk Office,
Pandaulur, The Nilgiris.

+1cc to Mr.V.Sankaranarayanan, Advocate Sr.No.16460

+1cc to Government Pleader Sr.No.16703

+1cc to Special Government Pleader Sr.No.16375

SSV(CO)

sm:19.3.2018

W.A.No.289 of 2018