

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.15219 of 2018

Tamilarasan

...Petitioner

Vs.

1.The Government of Tamil Nadu,  
Rep by its Principal Secretary  
Department of Revenue,  
Government of Tamilnadu,  
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

PRAYER 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 in favour of the petitioner by considering the petitioner's representation on 22.05.2018 as per the Scheduled Tribe and other Traditional Forest Dwellers ( Recognition of Forest Rights) Act 2006.

For Petitioner : Mr.R.Thirumoorthy

For Respondents 1 to 3&5: Mr.V.Jayaprakash Narayanan  
Special Government Pleader

For Respondent 4 : S.V.Vijay Prashanth  
Additional Government Pleader  
(Forest)

## O R D E R

The relief sought for in this writ petitioner is for a direction to direct the respondents 2 to 5 to issue patta in favour of the petitioner by considering the petitioner's representation dated 22.05.2018 as per the scheduled Tribe and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.

2. The protected forest lands can never be allotted or assigned nor allowed to be encroached by the persons unauthorisedly. It is the duty of the forest officials to ensure that reserve forests and forest lands are protected in all respects under the provisions of the Indian Forest Act. The present writ petition has been filed only based on the representation submitted by the writ petitioner on 22.05.2018 stating that the petitioner is in possession and enjoyment of the forest land for the past many years and therefore, patta to be issued in favour of the writ petitioner in respect of the land in his possession. Admittedly, the petitioner is not the owner of the land. The petitioner himself admits that the land belongs to the Forest Department. Thus, the Forest Department has also slept over their duties in respect of preserving the forest land. In this regard, the Chief Conservator of Forest is directed to initiate appropriate action against all the officials who have committed an act of negligence and dereliction of duty in respect of protecting the forest lands and reserve forest areas. Large number of officials are appointed in the Forest Department for the purpose of protecting the forest lands. However, these officials are performing their duties and responsibilities in accordance with the provisions of the Act and Rules. If these officials permit such illegal possession, the State and the Chief Conservator of Forest are duty bound to initiate appropriate action against all the officials who are responsible for not initiating any action in respect of preservation of forest lands in all respects.

3. In this regard, the Principal Chief Conservator of Forest, Chennai is directed to constitute a special team to investigate such illegal occupations and encroachments of the forest lands in many areas in the State and to conduct thorough investigation and initiate appropriate action under the provisions of the Act for eviction of all such encroachments, illegal occupations and other offences.

4. This court is of an opinion that the said illegal encroachments and illegal occupations are done mostly with the knowledge of the department officials. If any such knowledge or intention of the officials are noticed, there should not be any leniency or otherwise by the Head of the Department and

appropriate actions are to be taken in accordance with the provisions of the Discipline and Appeal Rules.

5. In respect of the present writ petition on hand, the writ petitioner is not the owner of the property and he himself admits that he is in possession and enjoyment of the land belongs to the Forest Department. Then, patta cannot be issued in respect of the forest land and therefore, the prayer in the writ petition as such cannot be granted.

6. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,  
The Government of Tamil Nadu, Department of Revenue,  
Government of Tamilnadu,  
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 Officer Harur, Harur, Dharmapuri District.
  6. The Principal Chief Conservator of Forest,  
Saidapet, Chennai.
- + 1 cc to Mr. R. Thirumoorthy, Advocate Sr.39985  
+ 1 cc to Mr. Special Government Pleader SR.39996  
+ 1 cc to Government Pleader Sr.40366

W.P.No.15219 of 2018

(CS-VII)  
EU(09/07/2018)