



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2018

CORAM

THE HONOURABLE **MR. JUSTICE M. GOVINDARAJ**

W.P. (MD) No.13813 of 2018

M.Muruganatham Kanikaran,
S/o.Mallan Kanni,
The Secretary,
Adivasi Kanikar Karshaka Samudaya Sangam,
Office at Kallaravayal,
Patukani & Post,
Kanyakumari District.

... Petitioner

/Vs./

1. The Secretary to Government of Tamilnadu,
Forest Department,
Fort St.George, Chennai.

2. The District Collector,
Kanyakumari District, Nagercoil.

3. The District Collector,
Tirunelveli District, Tirunelveli.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 10.04.2018 and 09.05.2018.

For Petitioner : Mr.E.George

For Respondents : Mr.V.Anand
Government Advocate

O R D E R

The petitioner seeks for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 10.04.2018 and 09.05.2018.

2. The petitioner claims himself as Adivasi living in the Forest area, which is a part of Tamilnadu and Kerala States. the petitioner, the lands were gifted by H.H.Marthanda Varma, Maharaja of Travancore State under a proclamation inscribed on a copper plate. Later, in the year 1956,



the States of Tamilnadu and Kerala were bifurcated and in which the petitioners were declared as Reserved Forest Area. The Government allowed the non-tribals to put up structures, who illegally started encroaching upon their lands. The temple belonging to the petitioner was also put to threat by such encroachments. Therefore, the petitioner made a representation to the respondents for demarcation and peaceful possession of the Society Members of their temple. This representation is pending from 10.04.2018, without any progress. Hence, the petitioner is before this Court.

3. Heard the submissions on both sides.

4. Since it is admitted that the petitioners are residing in Reserved Forest, a direction cannot be issued to II and III respondents, the District Collector, Kanyakumari and Tirunelveli District, herein. Once it is declared as Forest Area, the petitioner should approach the concerned Forest Settlement Officer or other authorities designated under the Indian Forest Act, 1927.

5. However, without going into the merits of the case, a direction is given to the first respondent to issue a reply to the representations made by the petitioner dated 10.04.2018 and 09.05.2018, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary to Government of Tamilnadu,
Forest Department, Fort St.George, Chennai.
2. The District Collector, Kanyakumari District, Nagercoil.
3. The District Collector, Tirunelveli District, Tirunelveli.

+ 1 cc TO Mr.D.Christenson Jugunu , Advocate in SR No.70575

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AE/PN/SAR3/23.07.2018/5C/2P