

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.03.2019

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.No.5591 of 2019

V.Kumar

..... Petitioner

vs.

- 1.The District Collector,
Collectorate, Salem.
- 2.The Scheme Officer,
Adi Dravidar and Tribal Welfare,
Collectorate,
Salem.
- 3.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Salem.
- 4.The Special Tahsildar,
Adi Dravidar and Tribal Welfare,
Collectorate,
Salem.
- 5.The Special Revenue Inspector,
Adi Dravidar and Tribal Welfare,
Office of the Special Revenue Inspector,
Salem.
- 6.The District Forest Officer,
Salem Division,
Gandhi Road,
Salem.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 29.11.2018 and appoint committee members based on the report of the 5th respondent dated 21.01.2019.

For Petitioner .. Mr.K.Sathish

For Respondents .. Mr.J.Ramesh,A.G.P.

ORDER

The petitioner is residing at Karungaali Village, Yercaud Taluk, Salem District. There are about 68 members living in the village and they all belong to Tribal community. The petitioner was selected as member of the Forest Rights Committee in the Grama Sabha, as contemplated in Rule 3 of Forest Rights Act. The Grama Sabha has passed a Resolution against the respondents taking steps in appointing third parties as Forest Rights Committee members. In this regard several representations appeared to have been submitted by the petitioner and the last representation was made on 29.11.2018.

2.The representation dated 29.11.2018 was forwarded to the second respondent, who in turn forwarded it to the third respondent. Thereafter, report has been sought from the fourth respondent and the 5th respondent was directed in this regard to conduct an enquiry. According to the averments, the 5th respondent had conducted an enquiry and report has also been filed on 21.01.2019. Despite report being filed in January 2019, no order has been passed with regard to formation of the Committee by appointing the petitioner and other members of the Tribal community in the Forest Rights Committee. Therefore, the petitioner is before this Court for issuance of writ of mandamus.

3.The learned counsel appearing for the respondents would submit that despite the action being initiated by the respondents with regard to the representation made by the petitioner, final order has not been passed in appointing the members of the Forest Rights Committee. Therefore, the learned counsel requests this Court to issue direction to the third respondent or any competent authority to dispose of the representation and appoint members to the Forest Rights Committee as expeditiously as possible.

4.Mr.J.Ramesh, the learned Additional Government Pleader takes notice for the respondents.

5.In view of the limited prayer being sought in the writ petition, this Court is of the considered view that the writ petition can be disposed of at the admission stage itself and the same being disposed of as under:

The third respondent or the competent authority is directed to dispose of the

representation of the petitioner dated 29.11.2018 on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order. It is made clear that the third respondent or the competent authority shall initiate steps to appoint members to the Forest Rights Committee within a reasonable time.

With the above direction, this writ petition shall stand disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

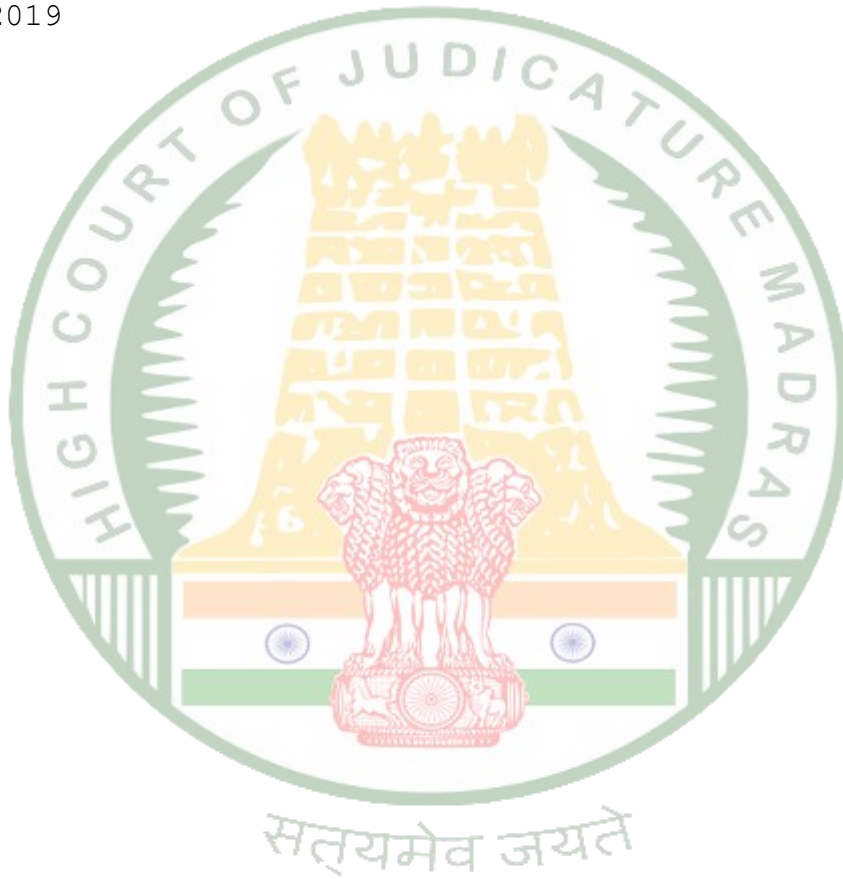
- 1.The District Collector,
Collectorate, Salem.
- 2.The Scheme Officer,
Adi Dravidar and Tribal Welfare,
Collectorate,
Salem.
- 3.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Salem.
- 4.The Special Tahsildar,
Adi Dravidar and Tribal Welfare,
Collectorate,
Salem.
- 5.The Special Revenue Inspector,
Adi Dravidar and Tribal Welfare,
Office of the Special Revenue Inspector,
Salem.

6.The District Forest Officer,
Salem Division,
Gandhi Road,
Salem.

+1cc Mr.K.Sathish, Advocate sr.no.21906
+1cc to Government Pleader sr.no.22657
+1cc to Mr.S.Ganesh Kumar, Advocate sr.no.22196

W.P.No.5591 of 2019

gp(co)
nr 04/04/2019



WEB COPY