

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.20498 of 2018

I. Ganesan

... Petitioner

Vs

1.The District Collector of Salem,
Salem.

2.The Forest Officer,
Yercaud, Salem.

3.The District Forest Officer,
Gandhi Road, Salem.

4.The Revenue Divisional Officer,
Salem.

5.The Special Tahsildar,
Adi Dravidar Welfare,
Salem.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to permit the 5th respondent herein to inspect and survey the forest land as per proceedings made in Na.Ka.No.38/2018/A dated 07.05.2018 and issue Patta to the petitioner of Maramangalam Panchayat, Periyamathur Village, Yercaud Taluk, Salem District in Survey No.251.

For Petitioner : Mr.R.A.Gilesh

For Respondents: Mr.R.Govindasamy,
Special Government Pleader
for R1, R4 & R5
Mr.S.V.Vijaya Prasanth,
Additional Government Pleader (F)
for R2 & R3

O R D E R

This writ petition is filed seeking for a Mandamus, directing the 3rd respondent to permit the 5th respondent herein to inspect and survey the forest land as per proceedings dated 07.05.2018 and issue Patta to the petitioner comprised in Survey No.251 situated at Maramangalam Panchayat, Periyamathur Village, Yercaud Taluk, Salem District.

2. Heard the learned counsel appearing for the petitioner, learned Special Government Pleader appearing for the respondents 1, 4 and 5 and the learned Additional Government Pleader (F) appearing for the respondents 2 and 3.

3. It is seen that the very same petitioner has already approached this Court and filed a writ petition in W.P.No.30501 of 2016 seeking for a Mandamus, directing the 4th respondent herein to consider the representation dated 10.03.2016 of the petitioner as per the decision of Grama Sabha dated 23.07.2011 in terms of the provisions of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, read with Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 and direct them to issue patta for the lands in Survey No.251, Madhur Village, Yercaud Taluk, Salem District. It is further seen that the said writ petition was disposed of on 01.09.2016 by passing the following order:

"5. Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, directs the fourth respondent to take note of the communication of the Assistant Director (Town Panchayat), Office of the District Collector, Salem addressed to the fifth respondent in Na.Ka.No.1128/2016/A2, dated 31.03.2016 and pass orders, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner."

4. Since this Court has already passed such an order in the writ petition filed by the very same writ petitioner, I do not think that the present relief sought for by way of another writ petition can be entertained, as it is for the petitioner to work out his remedy as granted in the earlier writ petition.

5. Since this Court has disposed of the earlier writ petition by directing the 4th respondent therein viz., the

District Level Committee, District Collectors Office, Salem and pass orders in accordance with law, by taking note of the communication of the Assistant Director (Town Panchayat), Office of the District Collector dated 31.03.2016, it is for the said District Level Committee to pass such order as directed by this Court and therefore, the present relief sought for in this writ petition is totally misconceived. Accordingly, this Writ Petition is closed by directing the petitioner to work out his remedy as granted in the earlier writ petition. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gsi/mk

To

- 1.The District Collector of Salem,
Salem.
- 2.The Forest Officer,
Yercaud, Salem.
- 3.The District Forest Officer,
Gandhi Road, Salem.
- 4.The Revenue Divisional Officer,
Salem.
- 5.The Special Tahsildar,
Adi Dravidar Welfare,
Salem.

+lcc to Mr.T.Dhanasekaran, Advocate Sr.28982
+lcc to the Government Pleader Sr.29777

W.P.No.20498 of 2018

sr[co]
srg 29/04/2019