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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.5091 of 2015

N.Mahendran

... Petitioner

Vs.

1. Government of India,
Ministry of Tribal Affairs,
Represented by its Secretary,
Shastri Bhavan,
New Delhi 110 001.
2. Government of India,
Ministry of Environment and Forests,
Represented by its Secretary,
Parayavaran Bhavan,
C.G.O.Complex Lodi Road,
New Delhi 110001.
3. Director General of Forests,
Ministry of Environment and Forests,
Parayavaran Bhavan,
C.G.O.Complex Lodi Road,
New Delhi 110001.
4. The Chief Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai 600 009.
5. The Government of Tamil Nadu,
Department of Forest,
Environment and Ecology,
Rep. by its Principal Secretary
Secretariat,
Chennai 600 009.
6. The Principal,
Chief Conservator of Forests,
Panagal Building,
Saidapet,
Chennai-600 015.



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7. Secretary to Government,
Department of Adhi Dravidar and
Tribal Affairs, Fort St. George,
Chennai 600 008.

8. The Director,
Directorate of Welfare of Scheduled Tribe,
Chepauk,
Chennai 600 005.

9. The District Collector,
Office of the District Collector,
Erode District,
Erode-638 001.

10. The Revenue Divisional Officer,
Office of the RDO.,
Sathyamangalam,
Erode District.

... Respondents

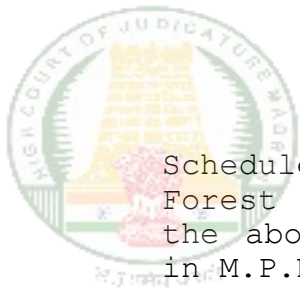
Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 4,5,6,7,8,9 & 10 to issue the certificate of title of Forest Land to the petitioner herein whose claim is verified, recorded and recognized under the provisions of the Scheduled Tribes and other Forest Dwellers recognition of rights) Act 2006 (Act 2 of 2007) and to pass order or orders to the above said respondents in pursuance of the direction 11(1) in M.P.No.1 of 2008 in W.P.No.4533 of 2008 on 30.4.2008.

For Petitioner	:	Mr.T.Sivagnansambandan
For R1 to R3	:	Mr.N.Ramesh Senior Standing Counsel
For R4 to R10	:	Mr.C.Kathiravan Government Advocate

O R D E R

(Through Video Conferencing)

The relief sought for in the writ petition is to direct the respondents 4, 5, 6, 7, 8, 9 & 10 to issue the Certificate of Title of Forest Land to the petitioner herein, whose claim is verified, recorded and recognized under the provisions of the



Scheduled Tribes and other Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Act 2 of 2007) and to pass orders to the above said respondents in pursuance of the direction 11(1) in M.P.No.1 of 2008 in W.P.No.4533 of 2008 on 30.04.2008.

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2.The petitioner mainly relied on the orders passed by this Court in M.P.No.1 of 2008 in W.P.No.4533 of 2008. It was an interim order passed by the Hon'ble Division Bench of this Court. The writ petition was filed before the Hon'ble Division Bench, challenging the validity of the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006. In the said writ petition, the Division Bench passed the interim order. Such an interim order cannot provide cause for the petitioner to file the writ petition, seeking a direction to issue Certificate of Title of Forest Land.

3.Certificate of Title is to be conferred only in accordance with law and by following the procedures as completed, provided the persons have established their right. However, the High Court cannot issue any such direction to issue Certificate of Title of Forest Land in the absence of any elaborate adjudication in this regard and the interim order passed by the Hon'ble Division Bench would not confer any right to claim Title of Forest Land. Thus, the petitioner if already approached the authorities, the authorities competent have to consider the same strictly in accordance with law.

With these observations, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Government of India,
Ministry of Tribal Affairs,
Shastri Bhavan,
New Delhi 110 001.



2. The Secretary,
Government of India,
Ministry of Environment and Forests,
Parayavaran Bhavan,
C.G.O.Complex Lodi Road,
New Delhi 110001.
3. The Director General of Forests,
Ministry of Environment and Forests,
Parayavaran Bhavan,
C.G.O.Complex Lodi Road,
New Delhi 110001.
4. The Chief Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai 600 009.
5. The Principal Secretary
Government of Tamilnadu,
Department of Forest,
Environment and Ecology,
Secretariat,
Chennai 600 009..
6. The Principal,
Chief Conservator of Forests,
Panagal Building,
Saidapet,
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7. The Secretary to Government,
Department of Adhi Dravidar and
Tribal Affairs, Fort St. George,
Chennai 600 008.
8. The Director,
Directorate of Welfare of Scheduled Tribe,
Chepauk,
Chennai 600 005.
9. The District Collector,
Office of the District Collector,
Erode District,
Erode-638 001.



10. The Revenue Divisional Officer,
Office of the RDO.,
Sathyamangalam,
Erode District.

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+1cc to Mr.T.Sivagnanasambandam, Advocate, S.R.No.55755

W.P.No.5091 of 2015

RGN(CO)
SU(29/11/2021)