

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.10.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.16942 of 2021

Duraisamy

...Petitioner

Vs.

1. The District Collector,
District Collectorate,
Thiruvannamalai - 606 601
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Arani
3. The District Welfare Officer,
Thiruvannamalai District Collector Office,
Thiruvannamalai - 606 601
4. The Tahsildar,
Jumunamarathur Taluk Office,
Javvadhu hills,
Thiruvannamalai District - 635 703
5. The Revenue Inspector,
Pelamarathur (Village No.52) Village & Post,
Puliyur Village & Post,
Puliyur Panchayat
Jamunamarathur Taluk,
Javvadhmalai,
Thiruvannamalai District - 635 703
6. The Village Administrative Officer,
Pelamarathur (Village No.52) Village & Post,
Jamunamarathur Taluk,
Javvadhmalai,
Thiruvannamalai District

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 4th respondent to grant the enjoyment patta comprised at Survey No.9/1 to an extent of 5 acres situated at Kunrendi Village, Pelamarathur Village, Panchayat, Pelamarathur village panchayat, Javvadu Hills Panchayat Union, Jamunamarathur Taluk, Thiruvannamalai District based on the petitioner's representation dated 30.01.2021.

For Petitioner : Mr.Saravanakumar
For Respondents : Mr.V.Veluchamy
Government Advocate

O R D E R

This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 4th respondent to grant the patta to an extent of 5 acres comprised at Survey No.9/1, situated at Kunrendi village, Pelamarathur village panchayat, Javvadu Hills Panchayat Union, Jamunamarathur Taluk, Thiruvannamalai District based on the petitioner's representation dated 30.01.2021.

2. The brief facts of the case is that the petitioner belongs to Schedule Tribes Community and residing at Javvadu Hills in particular forest area as heredity basis. There are number of village and 1000 families living in and around the said village. The petitioner is eking livelihood through cultivation of pulses. Moreover, the Government of India had passed an Act, namely, the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 Act 2 of 2007 passed by the Union Government of India and the Hon'ble Supreme Court of India directed for issuance of patta to all Tribal people living under their respective hills based on their continuous possession. Further, the Union Government of India has also initiated to identify the tribal peoples, therefore, the Government of India initiated steps to identify the tribal peoples, therefore, the Government of India has forwarded to all State Governments including Tamilnadu Government. The Government of Tamilnadu has also initiated steps to identify the beneficiaries and the state government had identified that Javvadhu Hills as one of the Tribal Hills at Tamilnadu.

3. According to the petitioner, he is fighting with the Forest Department stating that he is the eligible person of the lands available at the Hills area. While so, the forest officials are again and again attempting or disturbing the

petitioner's livelihood. Since the respondents 1 to 6 herein, being the authorities having multi-ample powers at their hands are now indulged at taking the land from the petitioner for the purpose of constructing the public premises, but the petitioner is having land only to an extent of 5 Acres and carrying on agricultural activities. Further, on account of the World Pandemic, Covid-19, the Government of Tamilnadu have imposed continuous periodical lockdown and therefore, the petitioner was not able to contact the respondents in-person in order to address grievances. Hence the petitioner has submitted a detailed representation, on 30.01.2021, however, the same was not considered, therefore, the petitioner has come up with the present Writ Petition.

4. The learned counsel for the petitioner submits that two tribal persons, who belong to Javvadu Hills have already obtained order from this court for granting patta in their names in W.P.Nos.13050 and 13053 of 2020 dated 06.10.2020, thereby seeks to consider the representation of the petitioner.

5. Mr.V.Veluchamy, learned Government Advocate appearing on behalf of the respondents submits that representation made by the petitioner on 30.01.2021 will be considered strictly in accordance with law and appropriate orders will be passed within a time to be fixed by this Court.

6. Taking into consideration of the facts and circumstances of the case and without going into the merits of the matter, there shall be a direction to the 4th respondent to consider the representation made by the petitioner dated 30.01.2021 and deal with the same strictly in accordance with law and pass appropriate orders within a period of four months from the date of receipt of a copy of this order.

In view of the above, the present Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

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- +1 CC to Mr.M.Saravana Kumar, Advocate sr 53358.
+1 CC to The Government Pleader, sr 53159(24/11/2021)

W.P.No.16942 of 2021

RLD(CO)
SP(01/11/2021)