



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-11-2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NOS.16525 TO 16531 OF 2014

P.Muthu	... Petitioner in W.P.No.16525 of 2014
S.Vadivel	... Petitioner in W.P.No.16526 of 2014
Nallammal	... Petitioner in W.P.No.16527 of 2014
M.Balakrishnan	... Petitioner in W.P.No.16528 of 2014
A.Azhagappan	... Petitioner in W.P.No.16529 of 2014
C.Veeran	... Petitioner in W.P.No.16530 of 2014
R.Poomalai	... Petitioner in W.P.No.16531 of 2014

.Vs.

The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Operation and Maintenance Division,
Namakkal District.

... R-1 in all WPs

The Tahsildar,
Rasipuram Taluk,
Namakkal District.

... R-2 in all WPs

The District Collector,
Namakkal,
Namakkal District.

... R-3 in all WPs



PRAYER:-

Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issuance of Writs of Mandamus, directing the second respondent to issue Possession Certificate to the petitioners in respect of land measuring 3.00,3.00,3.00,3.00,2.40,3.00 and 2.40 acres in Narakinaru Unsurvey Block II, Mathuruttu Village, Thimmanaickanpatti Village, Veppady Village, Singiliankombai Village, Mathuruttu Village, Kogalamannagar Village and Mathuruttu Village Rasipuram Taluk, Namakkal District respectively forthwith for the purpose of issuing Application Form to the petitioners, on production of Possession Certificate, for giving Electricity Service Connection to the 7.5 H.P.Electricity Motor installed in the Well of the abovesaid lands.

For Petitioner : Mr.V.Thirupathi
in all WPs

For Respondent-1 : No Appearance
in all WPs

For Respondents-2 & 3 : Mr.C.Selvaraj
in all WPs Additional Government Pleader

O R D E R

The relief sought for in these writ petitions is to direct the second respondent to issue Possession Certificate to the petitioners in respect of land measuring 3.00, 3.00, 3.00, 3.00, 2.40, 3.00 and 2.40 acres in Narakinaru Unsurvey Block II, Mathuruttu Village, Thimmanaickanpatti Village, Veppady Village, Singiliankombai Village, Mathuruttu Village, Kogalamannagar Village and Mathuruttu Village Rasipuram Taluk, Namakkal District respectively forthwith for the purpose of issuing Application Form to the petitioners, on production of Possession Certificate, for giving Electricity Service Connection to the 7.5 H.P.Electricity Motor installed in the Well of the abovesaid lands.

2. The petitioners state that they are in possession and enjoyment of the subject property. The said lands were converted as agricultural lands by spending huge amount of money. A notification under Section 4 of the Forest Act, was issued on 12.05.1954 for converting the entire 8,855 acres of lands in Narakinaru Unsurvey Block II converted into Reserve Forest Lands. Section 6 Notification was issued in the District Gazette dated 19.05.1955. The lands in possession of the petitioners



were also included in the Notification and converted as Reserve Forest Lands.

3. The petitioners state that no Final Notification was issued under Section 16 of the Forest Act. Thus, they filed the present writ petitions for allotment of lands in their favour. Enquiries were conducted by Forest Settlement Officer and orders were passed, directing to delete the name of the petitioners from the lands, as the lands were converted into Reserve Forest Lands.

4. The second respondent filed a counter stating that vast extent of lands surrounded by the villages viz., Karkodalpatty, Mangalapuram, Naraikinaru and Mathuruttu in Rasipuram Taluk were classified as Naraikinaru Unsurvey. These Unsurvey lands were further divided into three Blocks as follows:-

I. Naraikinaru South Block 1,283.76 acres.

II. Naraikinaru Block I 2,614.98 acres.

III. Naraikinaru Block II 8,855 acres.

5. In yore, as these areas contain jungle weeds, spontaneous growth of unbearable thorny bushes the above lands were not surveyed even during the resettlement operations as noted as 'UNSURVEY LANDS'. However, finding the possibility of formation of deciduous forest in the above areas Notification under Section 4(1) Tamil Nadu Forest Act, 1882 were approved and published in the Tamil Nadu Government Gazette in years 1952 and 1954 respectively.

6. Subsequent processes were undertaken by the Forest Settlement Officer, Namakkal. In the meanwhile, a large number of people residing in and around the surrounding villages and also outside villages were intruded and encroached upon the lands to their might, reclaimed the lands by removing the thorny bushes, digging of Wells, and construction of houses on the fringes and got electricity connections, and staking their claim for patta. The said encroachers formed themselves into several associations and raised hue and cry, and made demonstrations causing law and order problems, which were tacked by Revenue Officials then and there. Even though number of persons were filed writ petitions, seeking directions for grant of Pattas and as per directions of this Court and suitable replies were given. As there were still persistent demands from the encroachers for the grant of Patta, in order to obviate the situation, the Government in the IV order No.432, Revenue dated 30.11.2012 have



ordered survey of the areas comprising in the non notified area under the provisions of the Tamil Nadu Survey and Boundary Act, 1923 (Sections 5 to 13) and to complete the settlement operations. Accordingly, the Unsurvey area was split up to Bits I, II, III, IV and V and preliminary survey works were started during December 2012 and January 2013 respectively and the said survey works are still in progress.

7. The question of grant of 'Possession Certificate' to the persons who have occupied lands in the unsurveyed area will be determined only after the completion of survey and settlement works in these areas, till then, the writ petitioners have to wait for better days.

(1) However, their occupation in the area forming part of Forest Land is highly objectionable as per the Rules in vogue.

(2) As the writ petitioners did not adduce any valuable records in purport of the averments made.

(3) As the averment relates to respondent at No.(1).

(4) The averment that once the possession is recognised by the Forest Settlement Officer till such time Notifications under Section 16 of the Tamil Nadu Forest Act, 1882 was got published defining the area then only these cases can be considered on merits.

(5) The averment is correct to the extent that Tahsildar Rasipuram is not able to issue Possession Certificate unless and until it was found that the said area's location. The petitioners have to wait until the Final Notification published under Section 16 of the Tamil Nadu Forest Act, 1882 and also after the survey and settlement works were over.

(6) The averments are incorrect even though the Forest Settlement Officer has recognised the possessions of the writ petitioners, they cannot stake their claim for the issue of Possession Certificates to the claimed area and it will be made known only after the publication of Notification under Section 16 of the Tamil Nadu Forest Act, 1882 and hence the indictment made against the Tahsildar is unwarranted.

8. The main prayer sought for by the writ petitioners is for getting Possession Certificates from the Tahsildar, Rasipuram for getting the electricity connection for the Wells dug by them on the guise of the orders passed by the Forest Settlement Officer, Attur by deleting the portions occupied in the area proposed for afforestation under the provisions of Tamil Nadu Forest Act, 1882.



9. Now that the survey and settlement works are in progress and the nomenclature of the portions occupied by the writ petitioners to be changed as AWD, only during the settlement operations from unreserved land, the writ petitioners have to wait till such time.

10. In view of the counter-affidavit filed by the second respondent, this Court is of the opinion that Reserve Forest Lands cannot be allotted in favour of such individuals and no such Possession Certificate can be granted in favour of the petitioners in these writ petitions. Thus, the petitioners have not established any right for the purpose of grant of Possession Certificates.

11. Accordingly, the writ petitions stand dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Operation and Maintenance Division,
Namakkal District.
2. The Tahsildar,
Rasipuram Taluk,
Namakkal District.
3. The District Collector,
Namakkal,
Namakkal District.

+1cc to the Government Pleader, S.R.No.59053

W.P.NOS.16525 TO 16531 OF 2014

SSV(CO)
PBS/13/12/2021