



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NOS. 16924 TO 16933, 18039 TO 18046
AND 18549 TO 18557 OF 2014

LAKSHMI

... PETITIONER in WP No.16924 of 2014

M.KANTHA

... PETITIONER in WP No.16925 of 2014

M.CHINNAKALI

... PETITIONER in WP No.16926 of 2014

A.RAJA

... PETITIONER in WP No.16927 of 2014

VENKATACHALAM

... PETITIONER in WP No.16928 of 2014

T.MAHALAKSHMI

... PETITIONER in WP No.16929 of 2014

DANALAKSHMI

... PETITIONER in WP No.16930 of 2014

RAVI

... PETITIONER in WP No.16931 of 2014

N.PITCHESWARI

... PETITIONER in WP No.16932 of 2014

T.JAISHANKAR

... PETITIONER in WP No.16933 of 2014

M.SUGAMATHI
S/O.MUNIYAPPAN

... PETITIONER in WP No.18039 of 2014

T.PERUMAL
S/O.THATHAN

... PETITIONER in WP No.18040 of 2014



N.D.MANIKANDAN
S/O.N.DUREAISAMY (LATE)

... PETITIONER in WP No.18041 of 2014

K.KUPPUSAMY
S/O.SUBRAMANI

... PETITIONER in WP No.18042 of 2014

KALIYAMMAL (A) SAROJA
W/O.CHELLAIAH

... PETITIONER in WP No.18043 of 2014

ANJALAM
W/O.KUMARAVEL

... PETITIONER in WP No.18044 of 2014

P.VELLI
S/O.PITCHI

... PETITIONER in WP No.18045 of 2014

K.KOZHINCHI
W/O.KRISHNAN

... PETITIONER in WP No.18046 of 2014

LAKSHMI

... PETITIONER in WP No.18549 of 2014

K.GUNASEKARAN

... PETITIONER in WP No.18550 of 2014

M.MANI

... PETITIONER in WP No.18551 of 2014

K.ALLIMUTHU

... PETITIONER in WP No.18552 of 2014

A.VENKATESAN

... PETITIONER in WP No.18553 of 2014

C.PALANISAMY

... PETITIONER in WP No.18554 of 2014

R.NALLAMMAL

... PETITIONER in WP No.18555 of 2014

R.SHANMUGAM

... PETITIONER in WP No.18556 of 2014

K.M.SARAVANAN

... PETITIONER in WP No.18557 of 2014



WEB COPY

Vs.

1. The State of Tamil Nadu,
Rep.by the Secretary to Government,
Revenue Department, Fort St.George,
Chennai - 600 009.
... 1st and 2nd Respondents in all W.Ps
3. THE DISTRICT COLLECTOR,
VELLORE DISTRICT, VELLORE.
... 3rd Respondent in WP's No.16924,
16925, 16926, 16932, 18557 of 2014
3. THE DISTRICT COLLECTOR,
SALEM DISTRICT, SALEM.
... 3rd Respondent in WP's No.16927,
16929, 16930, 16931, 16933, 18039,
18040, 18041, 18043, 18045, 18046,
18549, 18550, 18553, 18555, 18556 of 2014
3. THE DISTRICT COLLECTOR,
NAMAKKAL DISTRICT, NAMAKKAL.
... 3rd Respondent in WP's No.16928,
18042, 18044, 18551, 18552, 18554 of 2014
4. THE TAHSILDAR,
VANIYAMBADI, VELLORE.
... 4th Respondent in WP's No.16924,
16925, 16932, 18557 of 2014
4. THE TAHSILDAR,
TIRUPATTUR TALUK,
VELLORE DISTRICT.
... 4th Respondent in WP No.16926 of 2014
4. THE TAHSILDAR,
ATTUR, SALEM DISTRICT.
... 4th Respondent in WP's No.16927, 16929,
16931, 16933, 18039, 18043,
18549, 18553 of 2014



4. THE TAHSILDAR,
RASIPURAM, NAMAKKAL DISTRICT.

... 4th Respondent in WP's No.16928, 18042,
18044, 18551, 18552, 18554 of 2014

4. THE TAHSILDAR,
GENGAVALLI TALUK, SALEM DISTRICT.

... 4th Respondent in WP's No.16930,
18040, 18041, 18045, 18046, 18550,
18555, 18556 of 2014

5. THE DISTRICT FOREST OFFICER,
VELLORE, VELLORE DISTRICT.

... 5th Respondent in WP's No.16924,
16925, 16926, 16932, 18557 of 2014

5. THE FOREST SETTLEMENT OFFICER,
ATTUR, SALEM DISTRICT.

... 5th Respondent in WP's No.16927,
16928, 16929, 16931, 16933, 18039,
18042, 18043, 18044, 18549, 18552,
18553, 18554 of 2014

5. THE FOREST SETTLEMENT OFFICER,
NAMAKKAL, NAMAKKAL DISTRICT.

... 5th Respondent in WP No.18551 of 2014

6. THE DISTRICT FOREST OFFICER,
SALEM, SALEM DISTRICT.

... 5th Respondent in WP's No.16930,
18040, 18041, 18045, 18046,
18550, 18555, 18556 of 2014

... 6th Respondent in WP's No.16927,
16929, 16931, 16933, 18043,
18549, 18553 of 2014

6. THE DISTRICT FOREST OFFICER,
NAMAKKAL, NAMAKKAL DISTRICT.

... 6th Respondent in WP's No.16928,
18039, 18042, 18044, 18551,
18552, 18554 of 2014

Prayer in WP No.16924 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue Patta to the petitioner for the lands comprised in Malaireddiyur, Beemakulam Post, Vaniyambadi Tk., Vellore District, to an extent of 3.00 acres cents.



Prayer in WP No.16925 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue Patta to the petitioner for the lands comprised in Poomakulam, Malaireddiyur, Vaniyambadi Tk., Vellore District, to an extent of 3.00 acres cents.

Prayer in WP No.16926 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue Patta to the petitioner for the lands comprised in Nadukuppam Post, Vazhuthalampattu Village, Tirupattur Taluk, Vellore District, to an extent of 1.00 acres.

Prayer in WP No.16927 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue Patta to the petitioner for the lands comprised in Unsurvey Block-2, No.4/67-101/1, No.3, Ramasamy Nagar, Neiyamalai, Kidayapatti, Attur Taluk, Salem District, to an extent of 2.50 acres.

Prayer in WP No.16928 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue Patta to the petitioner for the lands comprised in Unsurvey Block-2, Vannankadu, Orambu, Thandagoundampalayam, Rasipuram, Namakkal District to an extent of 5.00 acres.

Prayer in WP No.16929 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue Patta to the petitioner for the lands comprised in Unsurvey Block -2, No.1/176, Anna Nagar, Thumbal Post, Attur Taluk, Salem District. to an extent of 3 acres.

Prayer in WP No.16930 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to



issue Patta to the petitioner for the lands comprised in Mukkakavundan Pudur, Ulipuram Post, Gengavalli Taluk, Salem District to an extent of 4.00 acres.

WEB COPY

Prayer in WP No.16931 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue Patta to the petitioner for the lands comprised in Unsurvey Block-2, Thiruvagoundanur East, Nantham Sooramangalam, Attur Taluk, Salem District to an extent of 3 acres.

Prayer in WP No.16932 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue Patta to the petitioner for the lands comprised in Malaireddiyur, Beemakulam Post, Vaniyambadi Taluk, Vellore District to an extent of 3.00 acres.

Prayer in WP No.16933 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue Patta to the petitioner for the lands comprised in Unsurvey Block -2, Thaneerthotti, Nakyampatti North, Attur Taluk, Salem District to an extent of 3 acres.

Prayer in WP No.18039 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue patta to the petitioner for the lands comprised in Unsurvey Block-2, Mookankuttai East, Keeripatti Post, Attur Taluk, Salem District to an extent of 3 acres.

Prayer in WP No.18040 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue patta to the petitioner for the lands comprised in Indira Nagar, Veppadipalakadu, Pachamalai Village, Gangavalli Taluk, Salem District, to an extent of 3.0 Acre.



Prayer in WP No.18041 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue patta to the petitioner for the lands comprised in Indira Nagar, Veppadipalakadu, Pachamalai Village, Gangavalli Taluk, Salem District, to an extent of 3.0 Acre.

Prayer in WP No.18042 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue patta to the petitioner for the lands comprised in Unsurvey Block-2, No.3/115, Moolakadu, Rasipuram, Namakkal District to an extent of 3.00 acres.

Prayer in WP No.18043 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue patta to the petitioner for the lands comprised in Unsurvey Block-2, Keeripatti, Attur Taluk, Salem District to an extent of 3 acres.

Prayer in WP No.18044 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue patta to the petitioner for the lands comprised in Unsurvey Block-2, Naraikinaru, Rasipuram Taluk, Namakkal District to an extent of 2.0 acre.

Prayer in WP No.18045 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue patta to the petitioner for the lands comprised in Indira Nagar, Veppadipalakadu, Pachamalai Village, Gangavalli Taluk, Salem District, to an extent of 2.0 Acre.

Prayer in WP No.18046 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to



issue patta to the petitioner for the lands comprised in Indira Nagar, Veppadipalakadu, Pachamalai Village, Gangavalli Taluk, Salem District, to an extent of 3.0 Acre.

WEB COPY

Prayer in WP No.18549 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue patta to the petitioner for the lands comprised in Unsurvey Block-2, Azhagkadai Veethi, Pottalkombai, Thmbal Post, Attur Taluk, Salem District to an extent of 3 acre.

Prayer in WP No.18550 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue patta to the petitioner for the lands comprised in Doctor Thottam, Siva Nagar, Naraikinaru Post, Rasipuram Taluk, Namakkal District, to an extent of 3.50 acres.

Prayer in WP No.18551 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue patta to the petitioner for the lands comprised in Unsurvey Block-2, Ramanathapuram, Singilyankombai Post, Mangalapuram via, Rasipuram, Namakkal District, to an extent of 5.00 acres.

Prayer in WP No.18552 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue patta to the petitioner for the lands comprised in Unsurvey Block-2, No.5/1033, Bethanaickenpatti, Karukudalpatti, Rasipuram Taluk, Namakkal District, to an extent of 3.00 acres.

Prayer in WP No.18553 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue patta to the petitioner for the lands comprised in Unsurvey Block-2, Thaneerthotti, Nakiyampatti Post, Attur Taluk, Salem District to an extent of 3.00 acres.



Prayer in WP No.18554 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue patta to the petitioner for the lands comprised in Unsurvey Block-2, No.84, Thengampalayam, Rasipuram, Namakkal District, to an extent of 5.00 acres.

Prayer in WP No.18555 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue patta to the petitioner for the lands comprised in Kattukodimoolai, Veppadaipalakadu, Gengavalli Taluk, Salem District to an extent of 5.00 acres.

Prayer in WP No.18556 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue patta to the petitioner for the lands comprised in Kattukodimoolai, Gengavalli Taluk, Salem District to an extent of 5.00 acres.

Prayer in WP No.18557 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to issue patta to the petitioner for the lands comprised in New No.5/233, Kallarapatti, Beemakulam Post, Vaniyambadi Tk, Vellore District to an extent of 4.00 acres.

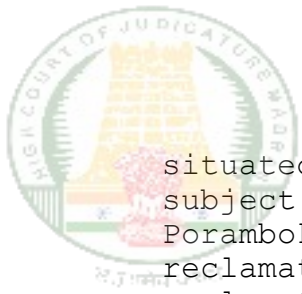
For Petitioners in all W.Ps : No Appearance

For Respondents
in all W.Ps : Mr.Richardson Wilson,
Government Advocate

COMMON ORDER

These writ petitions have been filed to issue a Writ of Mandamus, directing the respondents to issue patta to the petitioners for the respective lands.

2. The case of the petitioners is that they are in continuous possession and enjoyment of their respective lands



situated at respective places. In the Revenue Records, the subject lands and the adjacent lands are shown as Hill Poramboke. The petitioners have spent huge sum for the reclamation of their respective properties and after the heavy reclamation work on the properties, the nature of the lands was changed to agricultural lands. Thereafter, all the petitioners are cultivating the same and they are also paying the penal charges to the Government. While that being so, they made representation to the authorities concerned for issuance of patta. Their right is also protected under the Scheduled Caste and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. Even as early as in the year 1990, they made representation for issuance of patta and the fifth respondent stated that the subject lands are exempted from the constitution of Reserve Forest and the question of issuance of patta will be decided by the Revenue Department. Therefore, the petitioners have submitted their representation for issuance of patta.

3. The fifth respondent filed counter affidavit, from which, it reveals that the area encroached by the petitioners was declared under Section 4 of the Tamil Nadu Forest Act, 1882, as "Reserve Forest". After the Settlement Officer has started settlement process and proclamation under Section 6 of the Tamil Nadu Forest Act, 1882, he called for claim petition from the public by publishing necessary notification through Gazette. It also expired as early as on 18.08.1955. However, no claim was received from the public including the petitioners. Even under the Scheduled Caste and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, it is applicable to do claims viz., for the Forest Dwelling Scheduled Tribes and Other Traditional Forest Dwellers. Therefore, this Act of 2006 is not applicable to the petitioners, since they are not called under the two categories. Section 2(c) of the Act, 2006 defines the "Forest Dwelling Schedule Tribes" means as the members or community of the Scheduled Tribes who primarily reside in and who depend on the Forest or Forest land for bonafide livelihood needs and includes the Scheduled Tribe pastoralist communities. "Other Traditional Forest Dwellers" means any member or community who has for atleast three generations prior to 13.12.2005, primarily resided in and who depend on the Forest or Forest land for bonafide livelihood needs. Generation means a period comprising of 25 years and as such, they have to prove their residence for the past 75 years. Therefore, the petitioners are not entitled to claim any rights under the said Act, since they are not dependent on the Forest for their livelihood needs. That apart, under Section 6 of the said Act, 2006, the petitioners ought to have approached the Grama Sabha for issuance of patta in the Tamil Nadu Village Panchayat. So far, the petitioners did not make any applications under Section 6 of the said Act.



4. Admittedly, the petitioners never applied under Section 6 of the Act and proved their recognition for their entitlement of patta by the Forest Officials. Therefore, they are not entitled for patta as claimed under the respective representations. Hence, these Writ Petitions are devoid of merits and they are liable to be dismissed.

5. In the result, these Writ Petitions are dismissed. However, all the petitioners are at liberty to file an appropriate petition under Section 6 of the said Act, 2006, before the authorities concerned. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

kv

To

1. The Secretary to Government,
The State of Tamil Nadu,
Revenue Department, Fort St.George,
Chennai - 600 009.
2. The Secretary to Government,
The State of Tamil Nadu,
Environment and Forest Department,
Fort St.George, Chennai - 600 009.
3. The District Collector,
Vellore District, Vellore.
4. The Tahsildar,
Vaniyambadi, Vellore.
5. The District Forest Officer,
Vellore, Vellore District.
6. The District Collector,
Salem District, Salem.
7. The District Collector,
Namakkal District, Namakkal.
8. The Tahsildar,
Attur, Salem District.



9. The Tahsildar,
Rasipuram, Namakkal District.

10. The Tahsildar,
Gengavalli Taluk, Salem District.

11. The Tahsildar,
Tirupattur Taluk, Vellore District.

12. The District Forest Officer,
Salem, Salem District.

13. The District Forest Officer,
Namakkal, Namakkal District.

14. The Forest Settlement Officer,
Attur, Salem District.

15. The Forest Settlement Officer,
Namakkal, Namakkal District.

W.P.No.16924 of 2014 etc., batch

SR-II (CO)
RLP (10/12/2021)