



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.NO.25251 OF 2021

L.Rajini

... Petitioner

-Vs-

1. The State Represented by
The Director of Adidraavidar
and Tribal Welfare,
Chepauk, Chennai - 600 005.
2. The District Collector,
District Collector's Office,
Salem - 636 001.
3. The Project Officer,
Tribal Welfare Department,
Salem - 636 001.
4. The District Forest Officer,
Salem Division,
Salem.

... Respondents

PRAYER:-

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to lay the road for ingress and egress to the cultivating lands of the forest land for enabling to bring out the farming produce to secure the livelihood pursuant to the representation dated 25.02.2021.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Ms.Akila Rajendran
Government Advocate



O R D E R

The prayer sought for herein is for a Writ of Mandamus to direct the respondents to lay the road for ingress and egress to the cultivating lands of the forest land for enabling to bring out the farming produce to secure the livelihood pursuant to the representation dated 25.02.2021.

2. According to the petitioner, the petitioner was given patta for the forest land as per the Government Scheme as well as the provisions of the Act called Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights), Act and the Rules made thereunder on 07.02.2018 at Survey No.543 to the extent of 2 Acres and 34 Cents at Kuppur Vilalge, Pagudupatti Post, Chinnakalrayan South Post, Pethanaickenpalayam Taluk, Salem District.

3. Though such a patta was given to the said forest land which had been in the possession of the petitioner and his forefathers, where they have been doing agricultural activities, since there is no direct access of either a road or even a cart track, the agricultural produce could not be brought to the market by the petitioner and other similarly placed persons. Therefore, in order to lay a road or cart track, a representation dated 25.02.2021 though had been given to the Director of Adidravidar and Tribal Welfare Department, ie., the first respondent and the same having been forwarded by the said authority to the second respondent ie., the District Collector, so far no action has been taken on the representation of the petitioner dated 25.02.2021. Therefore, in order to give a direction to the respondents to consider the request of the petitioner for laying the road or cart track, enabling the petitioner and other similarly placed persons in the locality to bring the agricultural produce to the market concerned, the petitioner has filed the present writ petition with the aforesaid prayer.

4. Heard Mr.R.Thirumoorthy, learned counsel appearing for the petitioner, who, after reiterating the aforesaid facts, seeks the indulgence of this Court to issue appropriate directions to the respondents.

5. Heard Mrs.Akila Rajendran, learned Government Advocate appearing on behalf of the respondents, who on instructions would submit that, though representation was given to the first respondent and the same having been forwarded to the second respondent, the fact remains that, since it is a forest land, permission has to be necessarily given only by the Forest Department ie., the fourth respondent District Forest Officer,



to whom the representation/application should have been made by the petitioner that too through on-line mode as per the present procedure which is in vogue and without such representation/application, it cannot be executed by the Revenue Department officials for laying the road or cart track as desired by the petitioner.

6. I have considered the submissions made by the learned counsel on either sides and have perused the materials placed on record.

7. Insofar as the plea raised by the petitioner through his representation dated 25.02.2021 is concerned, though it has been given to the first respondent and the same has been forwarded to the second respondent, since the land where the petitioner wants to lay the road, belongs to the Forest Department, necessary permission has to be obtained only from the Forest Department and therefore, for the said purpose, the petitioner has to make his plea by way of a representation / application through on-line mode as per the present procedure only to the fourth respondent and if he comes forward to make such a representation to the fourth respondent, certainly the same can be considered by the fourth respondent and accordingly the needful can be done.

8. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

9. That there shall be a direction to the petitioner to make a representation through on-line to the fourth respondent seeking his plea to lay the road or cart track for the purpose of bringing the agricultural produce of the petitioner and the other similarly placed persons, as claimed by him, and on receipt of such application, the fourth respondent shall consider and decide the same on merits and in accordance with law and accordingly take action and communicate the decision thereon to the petitioner within a reasonable time preferably within a period of eight weeks from the date of receipt of such application. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST



To

1. The Director of Adidraavidar
and Tribal Welfare,
Chepauk, Chennai - 600 005.
2. The District Collector,
District Collector's Office,
Salem - 636 001.
3. The Project Officer,
Tribal Welfare Department,
Salem - 636 001.
4. The District Forest Officer,
Salem Division,
Salem.

+1cc to the Government Pleader, S.R.No.62243

W.P.NO.25251 OF 2021

SSD(CO)
PBS/13/12/2021