

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 29.03.2021****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD)No.1824 of 2013 and
M.P. (MD)Nos.2 & 3 of 2013

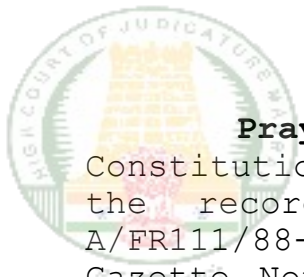
P.Murugan

... Petitioner

Vs.

1. The Chief Secretary,
State of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.
2. The Principal Secretary to Government,
Department of Forest and Environment,
Secretariat, Chennai.
3. The Chief Conservator of Forest,
Panagal Maligai,
Saidapet, Chennai.
4. The District Collector,
Theni District,
Theni.
5. The District Forest Officer,
Theni District,
Theni.
6. The Tahsildar,
Andipatti Taluk,
Andipatti,
Theni District.
7. The Forest Settlement Officer,
Gandamanaickanur East Forest Block,
Andipatti Taluk,
Theni District.
8. The Director of Land Survey,
Chennai.
(R-8 is suo motu impleaded
vide order dated 29.03.2021)

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records issued by the first respondent in Lr.No.14260 A/FR111/88-3 Forests and Fisheries, 29th March 1988 published in Gazette Notification issued under Section 16 of Tamil Nadu Forest Act, 1882 published in Part-II Section 2 of the Tamil Nadu Gazette dated 06.04.1988 issued by the second respondent and the consequential G.O.(D)No.63 Environmental Forest(FR V) dated 26.06.2009 and quash the same.

For Petitioner : Mr.C.Arul Vadivel @ Sekar
For Respondents : Mr.M.Rajarajan,
Additional Government Pleader.

O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondents.

2. Thiru.Sumesh Soman, Wildlife Warden, Megamalai Wildlife Division is present before this Court through Video Conferencing and assisted this Court.

3. The Director of Land Survey, Chennai, is *suo motu* impleaded as the eighth respondent in this writ petition.

4. Mr.M.Rajarajan, learned Additional Government Pleader takes notice for the eighth respondent.

5. The challenge in this writ petition is to the issuance of the impugned Gazette notification dated 06.04.1988 whereby the lands mentioned in the impugned notification were declared as reserved forest. The challenge is on the ground that the petitioner's patta lands have been included. The learned counsel appearing for the writ petitioner draws my attention to the fact that the notification refers to Survey No.1315. The petitioner has also enclosed in the typed set of papers, the revenue records which indicate that the petitioner's father Periya Karuppa Thevar is the Pattadhar in respect of the land comprised in Survey No.1315.

6. The status report has been filed by the Wildlife Warden and the following paragraphs in the status report are relevant :-

" ...

6. It is respectfully submitted that Kadamalaikundu is an Ex-zamin villge taken over by the Government in 1956. The records were prepared and assigned the Survey No. from 1 to 1314. During the settlement process, hill area of 22395.88 Acres in Kadamalaikundu Village shown as 'Government Poramboke



Forests' in settlement records and subsequently it has been recorded as Survey No.1315 and the said above 'Government Poramboke Forests' of Survey No.1315 included in the Forest settlement works without any entries in the relevant settlement 'A' Register and other Revenue accounts.

7. It is respectfully submitted that in the assignment works carried out by Revenue Department in Kadamalaikundu Village in 1972, the Government dry land to the extent of 44.95 Acres in Survey No.863 were found to be suitable for cultivation, and was identified and divided as separate fields and given new survey numbers to the villagers including the petitioner. On the field verification, the lands in Survey No.1315 actually lie in the western side but the petitioner's said land Survey No.1315/1 to 1315/7 is in the Eastern side and they are not joining together having vast breadth. By GPS readings, the petitioner's said S.No.1315/1 to 1315/7 are outside Gandamanur East RF and also away from the forest area.

GPS Reading Thiru.P.Murugan Plot No.1315 to 1315/7 (area: 4.38 Ha)

Survey No.	Latitude	Langitude
1.	9.80276	77.55464
2.	9.80293	77.55646
3.	9.8012	77.5564
4.	9.8011	77.55518
5.	9.80065	77.55513
6.	9.8006	77.55448
7.	9.80171	77.55443

...

10. It is respectfully submitted that the action is taken by the Forest Settlement Officer, Bodinayakanur, to change the Survey No.1315 given to the assignment area as Survey No.1315A, so as to rectify the defects by addressing to the Assistant Director, Land Survey Department, Theni for the orders of the Director, Land Survey Department, Chennai vide his C.No.29/2013A dated 18.11.2013.

11. From the above facts, the lands in Survey No.1315/1 to 1315/7 of the petitioner are not included in the said Gandamanur East Forest Block u/s.16 of Tamil



Nadu Forest Act as Reserved Forests and the land Survey Number change is no way connected with Forest Department."

7. I am satisfied that due to erroneous mentioning of the survey number, this petition has arisen. Therefore, the Forest Settlement Officer has addressed the concerned authority in Land Survey Department for giving new number to the petitioner's land as 1315A. It appears that orders are yet to be passed by the Director of Land Survey, Chennai.

8. The Director of Land Survey, Chennai, is directed to issue proceedings based on the proposal of the Forest Settlement Officer, as mentioned in paragraph No.10 of the status report. Such proceedings will be issued within a period of six weeks from the date of receipt of a copy of this order. Based on the said proceedings, the Tahsildar, Andipatti Taluk, Theni District, will issue revised patta in favour of the petitioner and other similarly placed persons.

9. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Chief Secretary,
State of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.
2. The Principal Secretary to Government,
Department of Forest and Environment,
Secretariat, Chennai.



3. The Chief Conservator of Forest,
Panagal Maligai, Saidapet, Chennai.

4. The District Collector,
Theni District, Theni.

5. The District Forest Officer,
Theni District, Theni.

6. The Tahsildar,
Andipatti Taluk,
Andipatti, Theni District.

7. The Forest Settlement Officer,
Gandamanaickanur East Forest Block,
Andipatti Taluk, Theni District.

8. The Director of Land Survey ,
Chennai.

+1 CC to M/s.C.ARUL VADIVEL @ SEKAR, Advocate (SR-14286[F] dated
30/03/2021)

+1 CC to M/s.SPL GP (SR-14363[F] dated 30/03/2021)

W.P. (MD) No.1824 of 2013
29.03.2021

AS (11.06.2021) 3P 11C