



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)Nos.6901 & 6980 of 2021

and

W.M.P. (MD)Nos.5294 & 5362 of 2021

WEB COPY

V.Subramanian ... Petitioner in W.P.(MD)No.6901 of 2021

V.Karuppaiah ... Petitioner in W.P.(MD)No.6980 of 2021

-Vs-

1.The Secretary to Government,
Forest Department,
Fort St.George,
Chennai-9.

2.The District Collector,
Collectorate Campus,
Sivagangai District,
Sivagangai.

3.The District Forest Officer,
District Forest Office,
Sivagangai District.

... Respondents in both W.Ps.

Prayer in W.P. (MD)No.6901 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents or their men not to evict or disturb the peaceful possession of the petitioner in Survey No.241 measuring an extent of 2.22.0 acres in Siruvanoor Village, Naranamangalam Group, Devakottai Taluk, Sivagangai District, without following the due procedure under law.

Prayer in W.P. (MD)No.6980 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents or their men not to evict or disturb the peaceful possession of the petitioner in Survey No.241 measuring an extent of 1.89.0 acres in Siruvanoor Village, Naranamangalam Group, Devakottai Taluk, Sivagangai District, without following the due procedure under law.

For Petitioner	: Mr.R.J.Karthick
For Respondents	: Mrs.S.Srimathy
(in both W.Ps.)	Special Government Pleader

COMMON ORDER

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

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2.The petitioners in these writ petitions apprehend illegal dispossession at the hands of the governmental authorities. The specific case of the petitioners is that their right and possession has been recognised under Section 11 of Tamilnadu Forest Act, 1882.

3.I am of the view that since the issue relates to rights over the land, it is only just and proper, the petitioners seek adjudication of their rights before the jurisdictional civil Court.

4.The petitioner's counsel states that the petitioners would move the jurisdictional Civil Court with an appropriate plaint within a period of four weeks from the date of receipt of a copy of this order. As and when it is filed, the jurisdictional Civil Court will number the same and take it on file. Since liberty is given to the petitioners to move the Civil Court after putting the learned Special Government Pleader on notice, notice under Section 80 of C.P.C., is dispensed with.

5.Since I am *prima facie* satisfied that the cause of action for filing the writ petition is that following the order of the Hon'ble Division Bench in a Public Interest Litigation, the dwellers who are residing in the vicinity are being evicted, the petitioners apprehend that they may also be unlawfully dispossessed.

6.In the typed set of papers, the petitioner has enclosed the photograph of his dwelling house. I am *prima facie* satisfied that the petitioners are presently in occupation of the petition mentioned land. Therefore, the petitioners' possession will not be disturbed by the respondents for a period of twelve weeks from the date of receipt of a copy of this order. The petitioners' right will thereafter abide by the order of the Civil Court. If the petitioners file an application for interim injunction, the same will be disposed of by the Court below as expeditiously as possible. I make it clear that all the rights of the petitioners are left open. I have not gone into the merits of the matter. The Writ Petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

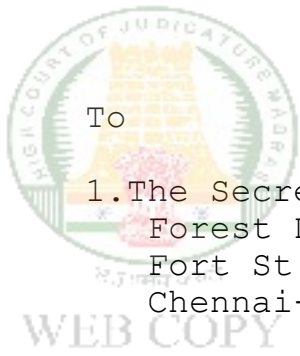
Assistant Registrar (CS-I)

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/ /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 Secretary to Government,
Forest Department,
Fort St.George,
Chennai-9.

2.The District Collector,
Collectorate Campus,
Sivagangai District,
Sivagangai.

3.The District Forest Officer,
District Forest Office,
Sivagangai District.

+2 CC to M/s.R.J.KARTHICK, Advocate (SR-13991[F],13992 dated
26/03/2021)

+1 CC to M/s.SPL GP (SR-14123[F],14084 dated 29/03/2021)

W.P. (MD) Nos.6901 & 6980 of 2021
and

W.M.P. (MD) Nos.5294 & 5362 of 2021
26.03.2021

SJ(CO)

KB(23.04.2021) 3P 7C