



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.8054 of 2005

and

W.P.M.P.No.8747 of 2005 and 111 of 2012

Malayaka Makkal Maruvazhu Manram
Represented by its General Secretary,
Chandrasekar,
No.14-56, Club Road,
Kotagiri, Nilgiris District.

... Petitioner

Vs.

1. The Commissioner,
For Rehabilitation,
Department of Rehabilitation,
Chepauk,
Chennai-600 005.
2. The District Collector,
The Nilgiris,
Nilgiris District.
3. The Forest Settlement Officer,
Cuddalur,
The Nilgiris District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of certiorarified Mandamus to call for the records in Na.Ka.A5/70974/2004 dated 17.02.2005 on the file of the second respondent herein and quash the same as illegal and direct the second respondent herein to assign the land in possession of the petitioner association members to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.K.H.Ravi Kumar
Government Advocate



O R D E R

WEB COPY This Writ Petition has been filed seeking for the issuance of a Writ of certiorarified Mandamus to call for the records in Na.Ka.A5/70974/2004 dated 17.02.2005 on the file of the second respondent herein and quash the same as illegal and direct the second respondent herein to assign the land in possession of the petitioner association members to secure the ends of justice.

2. The case of the petitioner is that the petitioner association consists of 69 members and they are srilankan repatriates and as per the scheme evolved by the first respondent, the members were settled in Konavekkarai Village, Sivagiri Nagar and all the members are settled in the said Sivagiri Nagar during 1974, and they are in uninterrupted possession over the said land nearly thirty years and they developed the land and had grown tea plantation and silver oak trees thereon. They further constructed houses and Konavakkarai Panchayat assessed the house and the members paid taxes and electricity connection to their houses. As per Revenue Records, the said lands in Survey No.457/1, 201 and 73 were described as 'Mechel Poramboke' and they are paying land Revenue to the lands in their possession. They have filed a petition for assignment before the respondent and the assignment petition is still pending and the appropriate authority also recommended in favour of the petitioners. However, the respondents desired to evict the petitioners from the said land, thereby, the petitioner made a representation to the second and third respondent as per the Tamil Nadu Forest Act to exempt their habitation from the acquisition. Based on the said representation, a detailed enquiry was conducted by third respondent and on humanitarian consideration, it was held by the 3rd respondent that the habitation may be continued except the land of the petitioners association members. While so, the District Collector, uthagamandal/second respondent without considering the objective report of the third respondent dt.25.01.2005 made in Na.Ka.A.71/2005 had passed the impugned order in Na.Ka.A.5/7.974/2004 dated 17.02.2005 holding that the second respondent could not assign the lands which in the possession of the petitioners members in their favour. Challenging the said order the present writ petition is filed.

3. The learned counsel for the petitioner would submit that though the petitioner made a representation for land assignment, the same was not considered by the respondents and



7. This Writ Petition is disposed of with the above observations. No costs. Consequently, connected writ miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

Psa/Sk

To

1. The Commissioner,
For Rehabilitation,
Department of Rehabilitation,
Chepauk,
Chennai-600 005.
2. The District Collector,
The Nilgiris,
Nilgiris District.
3. The Forest Settlement Officer,
Cuddalur,
The Nilgiris District.

+1cc to the Special Government Pleader, S.R.No.9413

W.P. No.8054 of 2005

SR(CO)
SU(17/03/2022)