



W.P(MD)No.14233 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **27.10.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.14233 of 2013

1.P.Dharmar
2.T.Mookayee
3.K.Lakshmanan
4.P.Selvam

... Petitioners

Vs.

1.The State of Tamil Nadu,
Represented by the Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai-9.

2.The District Collector,
Collectorate,
Dindigul District.

3.The Special Tahsildar,
(Adi Dravidar Welfare),
Collectorate,
Dindigul Taluk,
Dindigul District.

4.The Tahsildar,
Dindigul Taluk,
Dindigul District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned common order passed by the fourth respondent in his proceedings in Oo.Mu.No.32714/2011/B2, dated 16.12.2011 and quash the same as illegal and consequently to provide patta to the petitioners in an extent of five acres land for each petitioner in Sirmumalai Hills and Village, Dindigul Taluk, Dindigul District within the time stipulated by this Court or in the alternative, directing the respondents to provide same extent of alternative agricultural lands to the petitioners in accordance with Section 3(1)(m) of the Scheduled Tribes and other traditional forest dwellers (Recognition of Forest Rights) Act, 2006.

For Petitioners : M/s.T.Lajapathi Roy

For Respondents : M/s.M.Lingadurai
Special Government Pleader

ORDER

The present Writ Petition has been filed challenging an order passed by the fourth respondent herein, under which, the request of grant of assignment has been rejected, on the ground that, there is a ban for granting assignment of agricultural lands in hill areas, as per G.O.Ms.No. 1168 (Revenue Department), dated 25.07.1989.



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2. According to the learned Counsel for the petitioners, the petitioners belong to scheduled tribe and they are residing with their family in Sirumalai for several generations. According to them, they are not having any house site or agricultural land for their livelihood. Hence, they had presented an application to the fourth respondent herein for grant of assignment. However, the said request was rejected under the impugned order, citing the ban order under G.O.Ms.No.1168, dated 25.07.1989. Hence, the present writ petition.

3. According to the learned Counsel for the petitioners, the present issue is covered under The schedule tribes and other traditional forest dwellers, Central Act, 2 of 2006. The petitioners being a scheduled tribe people and they are traditional forest dwellers, they are entitled to assignment. A reading of the provisions of the said Act makes it clear that the fourth respondent is not the authority to consider the grant of assignment or grant of any revenue patta.



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4. The learned Counsel for the petitioner on instructions, submits that he may be permitted to approach the competent authority under the Central Act, 2 of 2006

5. Since the fourth respondent herein does not have any jurisdiction to entertain a request for assignment of agricultural lands in hill areas, the question of quashing the said order does not arise. However, if the petitioners claim that they are the traditional forest dwellers, they are at liberty to approach the authorities under the Central Act 2 of 2006.

6. With the above said observations, the writ petition stands disposed of. There shall be no order as to costs.

27.10.2022

Index : Yes / No
Internet : Yes / No
btr



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- 2.The District Collector,
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- 4.The Tahsildar,
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R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.14233 of 2013

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