



W.P.(MD) Nos.10337 and 10344 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) Nos.10337 and 10344 of 2020

and

W.M.P.(MD) Nos.9189 and 9191 of 2020

and

W.M.P.(MD) Nos.11099 and 11101 of 2020

K.Kubbu

.. Petitioner

in W.P.(MD) No.10337/2020

M.Koppayi Munuvan

.. Petitioner

in W.P.(MD) No.10344/2020

Vs.

1.The Government of Tamil Nadu,
Rep., by its Principal Secretary,
Department of Revenue,
Secretariat, Chennai-9.

2.The District Collector,
O/o. District Collectorate,
Sivagangai District.

3.The District Revenue Officer,
O/o. District Revenue Office,
District Collector Office Campus,
Sivagangai District.



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4.The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Devakottai, Sivagangai District.

5.The Tahsildar,
Ram Nagar,
Devakottai Taluk,
Sivagangai District-630 302.

.. Respondents
in both W.Ps.

Prayer :- Petitions filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to direct the first respondent to grant Patta to the petitioners in their land in Survey Nos.212/8 and 212/18 to an extent of 4.50 Ares and 4.65 Ares respectively in Narana Mangalam Group, Devakottai, Sivagangai District by considering the representations dated 25.07.2020.

In both W.Ps.

For Petitioner : Mr.T.Lajapathi Roy
Senior Counsel

For Respondents : Mr.A.Sivanupandian
Government Advocate

COMMON ORDER

These writ petitions have been filed for the issue of a Writ of Mandamus directing the first respondent to grant patta to the petitioners in respect of the lands in Survey Nos.212/8 and 212/18 to an extent of



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4.50 Ares and 4.65 Ares respectively in Narana Mangalam Group, Devakottai, Sivagangai District, by considering their representations dated 25.07.2020.

2. A perusal of the counter filed by the fifth respondent would indicate that the Government of Tamil Nadu had issued a Government Order in G.O.Ms.No.4094, Food and Agriculture Department, dated 02.12.1961, under which a scheme was floated with the object of increasing coconut cultivation and also to improve the livelihood of the landless poor and the Srilankan refugees. In this scheme, the beneficiaries were allotted not more than five ares in specific area of Ramanathapuram to do coconut cultivation. The assignment was a conditional one. A total of 144 beneficiaries were allotted lands in sub divisions of S.Nos.1, 212 and 241 of erstwhile Naranamangalam Village, Devakottai Firka, Thiruvadanai Taluk, Ramanthapuram District.

3. The father of the petitioner in W.P.(MD) No.10337 of 2020 was allotted lands measuring 4.50 Ares in S.No.212/8. On the same day, the



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husband of the petitioner in W.P.(MD) No.10344 of 2020 was allotted lands measuring 4.65 Ares in S.No.212/18. Like wise, all the beneficiaries were allotted similar extent. The lands in S.No.212, during UDR scheme, were classified as 'Government Poramboke' and in the note section, it was stated as 'Forest'. In the year 1985, Sivagangai District was carved out of Ramanathapuram District and Naranamangalam Village fell within the jurisdiction of Sivagangai District.

4. The petitioners would submit that they and others have made several representations to allot patta in their favour. However, no action was taken to issue the same. Hence, the petitioners and others had moved W.P.(MD) Nos.29 to 32, 326 to 329 and 501 to 508 of 2013 with a prayer to direct the District Collector, Sivagangai, to consider their representations. The said writ petitions were disposed of on 03.04.2013, directing the District Collector, Sivagangai to consider and dispose of the representations. Since steps were not taken, contempt petition was filed and immediately, the second respondent had passed an order dated 04.06.2014 rejecting the request made by the petitioners for issue of the



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patta. All of a sudden, the lands in question were declared as 'forest land' as per Section 2 of the Forest Services Act, 1980 in the revenue records.

5. The fifth respondent would submit that one section who are the first section of the beneficiaries had vacated the lands allotted to them. The other section of beneficiaries and subsequent buyers continue to enjoy the lands in S.Nos.1, 212 and 241 in Naranamangalam Village, Devakottai Taluk, Sivagangai District. Now, there is a difference of opinion between the two section. The fifth respondent had conducted a peace meeting in the year 2019 where consensus were reached between the two section with the two sections agreeing to vacate the lands after current sowing season. However, the two sections failed to vacate the premises as promised. Therefore, members of the first section made a representation to the administration to initiate eviction process. A second peace meeting was held on 25.07.2020 where individuals of the second section agreed to approach their issue legally through peaceful means. One Subbiah belonging to the first section of beneficiaries filed W.P.(MD) No.11106 of 2020 to direct the officials to consider his



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representation and evict the second section of beneficiaries. On 15.09.2020, this Court was pleased to pass the following order:

“7. This Court, taking into consideration of the above facts and circumstances, directs the respondents 2 and 3 to take immediate, necessary and proper steps to remove encroachments in accordance with law, especially, in the light of Section 68-A of the Tamil Nadu Forest Act, 1882 and in this regard the District Administration as well as the Superintendent of Police, Sivagangai District are also directed to extend necessary help to respondents 2 and 3 to cause removal of encroachment by following due process of law. The respondents 2 and 3 are further directed to complete the said exercise as expeditiously as possible and not later than 12 (twelve) weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner and any other persons concerned.”

6. Therefore, in the light of the order passed in W.P.(MD) No. 11106 of 2020, the petitioners cannot once again reagitate the issue especially when positive order had been passed to evict the petitioners



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and there is no appeal filed against the said order. The writ petitions are therefore, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

03.04.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

- 1.The Principal Secretary,
State of Tamil Nadu,
Department of Revenue,
Secretariat, Chennai-9.
- 2.The District Collector,
O/o. District Collectorate,
Sivagangai District.
- 3.The District Revenue Officer,
O/o. District Revenue Office,
District Collector Office Campus,
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P.T.ASHA, J.

abr

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