



W.P.(MD)No.13277 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

**W.P.(MD)No.13277 of 2020
and
W.M.P.(MD)No.11104 of 2020**

Machakalai

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Environment and Forest (FR14) Department,
Secretariat,
Chennai.
2. The Principal Chief Conservator of Forest,
1, Jennis Road,
Panagal Building, Saidapet,
Chennai – 600 013.
3. The District Collector,
Dindigul District,
Dindigul.
4. The Forest Settlement Officer,
Dindigul.



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5. The District Forest Officer,
Dindigul Forest Division,
Dindigul.
6. The Forest Range Officer,
Dindigul Range,
Dindigul.
7. The Special Tahsildar,
Forest Settlement Scheme,
Dindigul.
8. The President,
Chengurichi Village Panchayat,
Sanarpatti Union,
Dindigul District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the Respondents to exclude the lands measuring 5 Acres in Survey No.1600A/2, Mamarathupatti, Chengurichi Village, Chengurichi Forest Division VI, Dindigul District under occupation of the Petitioner from the limits of the Reserve Forest as declared in G.O.Ms.No.218, Environment and Forest Department, dated 10.09.2012 and recognize the Petitioner's right over the said land as per the provisions of the Tamil Nadu Forest Act, 1882 and the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.



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For Petitioner : Mr.M.Kannan
For Respondents : Mr.S.Shanmugavel
Addl. Govt. Pleader for R1 to R7
No appearance for R8

ORDER

This Writ Petition has been filed to direct the Respondents to exclude the lands measuring 5 Acres in Survey No.1600A/2, Mamarathupatti, Chengurichi Village, Chengurichi Forest Division VI, Dindigul District under occupation of the Petitioner from the limits of the Reserve Forest as declared in G.O.Ms.No.218, Environment and Forest Department, dated 10.09.2012 and recognize the Petitioner's right over the said land as per the provisions of the Tamil Nadu Forest Act, 1882 and the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

2. During the course of hearing, it was submitted by the learned counsel for the Petitioner that he would limit his prayer to grant liberty to submit a representation / claim under the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 r/w



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Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 and the memo has been filed to that effect.

3. The learned counsel for the Petitioner further submitted that the Petitioner and similar other persons are traditionally dwelling for generations together at Chengurichi Village, Dindigul District, which is located on the plain lands in the foot hills of the Karanthai Malai Hills which has been declared as Reserved Forest. It is further submitted that by virtue of being 'other traditional forest dweller' in terms of Section 2(o) of the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred to as 'the Act'), the Petitioner is entitled to rights which are conferred under Section 3 of the Act. It is submitted that the Petitioner may be granted liberty to file a representation claiming the said rights conferred under Section 3 of the Act, to which, the learned Additional Government Pleader for the Respondents 1 to 7 submitted that in case, any representation is made by the Petitioner, the same shall be considered in accordance with law.



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4. In view of the above submission and taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, liberty is granted to the Petitioner to file a representation and on receipt of such representation, there shall be a direction to the concerned Respondent to consider the Petitioner's representation on its own merits and pass appropriate orders in accordance with law, after granting opportunity to the Petitioner and also putting all interested parties on notice. It is made clear that this Court has not expressed any view with regard to the merits of the representation and it is open to the concerned Respondent to consider the representation on its own merits as expeditiously possible.

5. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

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Index : Yes / No
Speaking Order : Yes / No

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