



W.P.No.29505 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.29505 of 2023

1. Chinnapaiyan
2. R.Rangasamy
3. R.Ramasamy

.. Petitioners

Vs.

1. The Forest Ranger
Dharmapuri Range, Dharmapuri.
2. The District Forest Officer
Dharmapuri District.
3. The District Forest Officer
Soil Conservation Scheme
Dharmapuri District.
4. The District Collector
Dharmapuri.
5. The Tahsildar
Dharmapuri Taluk, Dharmapuri District.
6. The Tahsildar
Nallampalli Taluk, Dharmapuri District.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records pertaining to impugned eviction notices dated 28.07.2023 issued to the petitioners by the first respondent purported to be issued under Section 68-A of the Tamil Nadu Forest Act, 1882 and quash the same as unsustainable in law and without jurisdiction.

For the Petitioners : Mr.R.Dhanasekar

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by Mrs.R.Anitha
Special Government Pleader
for R1 to R6

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.R.Dhanasekar, learned counsel for the petitioners and Mr.P.Muthukumar, learned State Government Pleader assisted by Mrs.R.Anitha, learned Special Government Pleader for respondents 1 to 6.

2. Learned counsel for the petitioners submits that the land in question is not a forest land and the same is a revenue land, as such,



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unless the Authorities take up proceedings under the Tamil Nadu Land Encroachment Act, 1905, eviction orders cannot be passed. Even under the Tamil Nadu Forest Act, 1882 (for brevity, hereinafter referred to as "the Act of 1882"), proceedings under Section 68-A of Act of 1882 has to be initiated. The impugned order is not under Section 68-A of the Act of 1882. The ancestors of the petitioners and the petitioners are in occupation of the subject land for more than 5 to 6 decades.

3. We asked the learned counsel for the petitioners for the source to their title or property. No such documents could be placed on record, evidencing that the petitioners are either the owners or the lessee or the licensee of the subject land. The petitioners have filed a civil suit. The Civil Court had granted injunction in a manner that they shall not be dispossessed without due process of law. Thereafter, notices were issued. When earlier action under Section 68-A of the Act of 1882 was taken, the petitioner challenged the same and filed writ petitions in W.P.Nos.15417, 15418 & 15422 of 2007. This Court, under the order dated 02.09.2022, decided the said writ petitions and



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directed the Authorities to consider the explanation given by the petitioners and pass orders on merits. Now, fresh orders have been passed and the same are assailed.

4. In the absence of any documents being produced by the petitioners to show the source of their title or source of their authorized possession, it would not be possible to pass any orders in favour of the petitioners.

5. In view of that, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.29125 and 29126 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
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