



W.P.No.34864 of 2018 &
W.P.No. 6818 of 2020

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:30.03.2023

C O R A M

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.34864 of 2018 & 6818 of 2020
and W.M.P.Nos.40414 & 8120 of 2020

Tamil Nadu Scheduled Tribe (Malayali) Peravai,
(Regd No:307/93)
Represented by its President, T. Varatharaju,
No.15, 2nd Street,
Kambar Nagar,
Chennai-600082.

..... Petitioner
in W.P.No.34864 of 2018

- 1.S.Annamalai,
- 2.Unnamalai,
- 3.L.Annamalai,
- 4.Vellayan,
- 5.Ramasami,
- 6.Perumal
- 7.Aandi,
- 8.Annamalai,
- 9.Jeyasenan,
- 10.Kaliyamurthi,
- 11.Periyasami,
- 12.Velli,
- 13.Chinnayan,



**W.P.No.34864 of 2018 &
W.P.No. 6818 of 2020**

WEB COPY

14. Tamil Nadu Scheduled Tribe (Malayali) Peravai,
(Regd B.307/93),
Represented by its President, T.Varatharaju,
No.15, 2nd Street,
Kambar Nagar,
Chennai-600 082.

..... Petitioners
in W.P.No.6818 of 2018

Vs.

1. The Government of Tamil Nadu,
Represented by the Chief Secretary,
Secretariat, Chennai-600 009.
2. The Principal Secretary Revenue Department,
Secretariat, Chennai-600 009.
3. The Principal Secretary AdiDravidar and Tribal Welfare,
Secretariat, Chennai-600 009.

. . . R1 to R3
in both petitions

4. District Collector Villupuram District,
Collector Office Road, Moovendar Nagar,
Villupuram-605 602.

. . . R4
in W.P.No.34864 of 2018

5. Revenue Divisional Officer,
Kallakurichi Taluk,
Kachirapalayam Road,
Villupuram-606 213.

. . . R5
in W.P.No.34864 of 2018



**W.P.No.34864 of 2018 &
W.P.No. 6818 of 2020**

WEB COPY

6. The Secretary, Environment & Forest Department,
Secretariat, Chennai-600 009.

... R4
in W.P.No.6818 of 2020

7. The Commissioner of Land Administration,
Ezhilagam, Chepauk-600 006.

... R5
in W.P.No.6818 of 2020

8. The Director of Survey & Settlement Department,
Survey House,
Chepauk, Chennai=600 015.

... R6
in W.P.No.6818 of 2020

9. The Principal Chief Conservator of Forest,
Panagal Building, Saidapet,
Chennai-600 015.

... R7
in W.P.No.6818 of 2020

10. The District Collector,
Kallakurichi,
Kallakurichi District-606 202.

... R8
in W.P.No.6818 of 2020

11. The Sub-Collector,
Kallakurichi Division,
Kachirapalayam Road,
Kallakurichi -606 202.

... R9
in W.P.No.6818 of 2020



**W.P.No.34864 of 2018 &
W.P.No. 6818 of 2020**

WEB COPY

12.The District Forest Officer,
Villupuram District,
Villupuram-605 502.

... R10
in W.P.No.6818 of 2020

10.The Special Tahsildar, (Forest Settlement Officer)
Kallakurichi Taluk Office Complex,
Kallakurichi-606 202.

... R11
in W.P.No.6818 of 2020

Prayer in W.P.No.34864 of 2018: Petition filed under Article 226 of the Constitution of India praying to issue a writ, order or direction particularly a Writ of Mandamus directing the Respondents to implement Chapters III, IV, VII of the Inam Estates (Abolition & Conversion into Ryotwari) Act, 1963 for the members of the Petitioner Association whose names can be found in Annexure A to the Affidavit.

Prayer in W.P.No.6818 of 2020: Petition filed under Article 226 of the Constitution of India praying to issue a writ, order or direction particularly a Writ of Mandamus directing the Respondents to implement Chapters III, IV, VII of the Inam Estates (Abolition & Conversion into Ryotwari) Act, 1963 r/w Chapters II and III of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 for the Petitioners including



**W.P.No.34864 of 2018 &
W.P.No. 6818 of 2020**

the members of the Petitioner Association whose names can be found in Annexure A to the Affidavit.

For Petitioners ... Mr. D.Nagasaila
(in both Petitions)

For Petitioners ... Mr.U.Baranidharan,
(in both Petitions) Additional Government Pleader

COMMON ORDER

Since, the issue involved in both Writ Petitions being one and the same, both Writ Petitions are taken up for final disposal by way of a common order.

2. The above Writ Petitions have been filed seeking a direction to the respondents to implement chapters III, IV & VII of the inam Estates (Abolition & Conversion into Ryotwari) Act, 1963 r/w Chapters II & III of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 for the Petitioners including the members of the Petitioner Association.



**W.P.No.34864 of 2018 &
W.P.No. 6818 of 2020**

WEB COPY

3. It is the case of the petitioners that the members of the Petitioner Association are “Malayali” Tribal people belonging to the Scheduled Tribe and they are residing in Kalrayan hills since several centuries. In the year 1995, the inam estates of the Kalrayan hills were brought within the control of the Government vide G.O.Ms.No.3551 dated 31.12.1995 under the Inam Estates Act, 1963. However, as per the report given by the Tahsildar, Kalrayan Hills, steps were taken by the Government to issue pattas to the ryots who were living on the plains and accordingly, patta was granted. However, no steps were taken for grant of patta in favour of the Malayali Tribes by wrongly classifying the lands as “Kadu Poramboke”. Thereafter, the said lands were re-classified pursuant to which, a final order was passed by the Government to implement the Inam Estates Abolition (Conversion into Ryotwari) Act, 1963 and to grant patta to the Malayali Tribes, however, as the people belonging to the said tribe were illiterates, they could not approach the authorities for appropriate relief. While being so, the petitioners made a representation on 11.06.2018 for grant of patta in favour of the ryots pursuant to the vesting of the lands under the Inam Estate Abolition Act. However, till date, no action has been taken on the same. Hence, these Writ Petitions.



**W.P.No.34864 of 2018 &
W.P.No. 6818 of 2020**

WEB COPY

4. Learned counsel for the petitioners submits that the subject lands were taken over by the Government a long time ago, however, till date no survey has been conducted by the respondents in order to demarcate the said lands. Hence, this Court may direct the respondents to conduct the survey to identify the lands enjoyed by the Malayalis of the Kalrayan hills and issue patta in favour of the petitioner by implementing Chapters III, IV & VII of Ryotwari Act.

5. On the above contentions, this Court heard the learned Additional Government Pleader appearing on behalf of the respondents and perused the materials available on record.

6. Upon careful perusal of the materials available on record and in view of the limited relief sought for by the petitioner, this Court without going into the merits of the issue directs the Commissioner of Land Administration, Ezhilagam, Chepauk, to depute the Tahsildar concerned to survey the subject lands including the other lands such as Forest lands, Dry lands, Wet lands and other Poramboke lands which are alleged to have been vested with the Government lands and after completing the aforesaid exercise, the Tahsildar concerned is directed to submit a report before the Commissioner of Land



**W.P.No.34864 of 2018 &
W.P.No. 6818 of 2020**

WEB COPY

Administration. On the receipt of the same, the Commissioner of Land Administration is directed to decide the issue by conducting the enquiry as to the pre-existing rights of the Malayalis of the Kalryan hills and pass appropriate orders on the same as expeditiously as possible.

7. Accordingly, these Writ Petitions are disposed of with the aforesaid direction. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

30.03.2023

Index:Yes/No
Internet:Yes
NHS

To

1. The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
2. The Principal Secretary Revenue Department,
Secretariat, Chennai-600 009.
3. The Principal Secretary AdiDravidar and Tribal Welfare,
Secretariat, Chennai-600 009.
4. District Collector Villupuram District,
Collector Office Road, Moovendar Nagar,
Villupuram-605 602.



**W.P.No.34864 of 2018 &
W.P.No. 6818 of 2020**

WEB CO

5. Revenue Divisional Officer,
Kallakurichi Taluk,
Kachirapalayam Road,
Villupuram-606 213.
6. The Secretary, Environment & Forest Department,
Secretariat, Chennai-600 009.
7. The Commissioner of Land Administration,
Ezhilagam, Chepauk-600 006.
8. The Director of Survey & Settlement Department,
Survey House,
Chepauk, Chennai-600 015.
9. The Principal Chief Conservator of Forest,
Panagal Building, Saidapet,
Chennai-600 015.
10. The District Collector,
Kallakurichi,
Kallakurichi District-606 202.
11. The Sub-Collector,
Kallakurichi Division,
Kachirapalayam Road,
Kallakurichi -606 202.
12. The District Forest Officer,
Villupuram District,
Villupuram-605 502.
10. The Special Tahsildar, (Forest Settlement Officer)
Kallakurichi Taluk Office Complex,
Kallakurichi-606 202.



WEB COPY



**W.P.No.34864 of 2018 &
W.P.No. 6818 of 2020**

M.DHANDAPANI, J.

NHS

W.P.Nos.34864 of 2018
& 6818 of 2020

30.03.2023