



W.P(MD)No.1561 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1561 of 2015

and

M.P.(MD)No.2 of 2015

C.Balasubramanian

... Petitioner

Vs.

1.The Tamil Nadu Government,,
Rep. by its Secretary, Secretariat,
Forest Department, Chennai.

2.The Forest Project Officer,
Forest Project Office,
Sivagangai District.

3.The District Collector,
Sivagangai District,
Sivagangai.

4.The Tahsildar,
Devakottai Taluk,
Devakottai,
Sivagangai District.

5.The Special Deputy Agricultural Director,
Ramnad Coconut Development Office,
Ramanathapuram.

... 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 of the 3rd respondent in Na.Ka.P2/33839/2012 dated 04.06.2014 and quash the same and consequently directing the respondents to grant assignment patta to him for the lands in Survey No.1/6 an extent of 4 acre 65 cents in Kurunthur Village, Naranamangalam Group, Devakottai Taluk, Sivagangai District.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader.

ORDER

Heard both sides.

2.The case of the petitioner is that his father was given possession of the petition mentioned land and permitted to raise coconut trees. The petitioner's father filed W.P.(MD)No.501 of 2013 seeking issuance of patta. Vide order dated 03.04.2013, the District Collector, Sivaganaai District was directed to dispose of the said representation. Pursuant thereto, the impugned order dated 04.06.2014 came to be passed



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rejecting the petitioner's request. Challenging the same, the present writ petition has been filed.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4.The second respondent has filed counter affidavit and the learned Special Government Pleader took me through its contents and pressed for dismissal of the writ petition.

5.I carefully considered the rival contentions and went through the materials on record. It is seen that vide Government Gazette Notification No.51, dated 06.12.2006, the petition mentioned land has been classified as “Reserved Forest”. Once a land has been so classified, the District Collector will not have any jurisdiction or competence to grant patta. The petitioner ought to have availed the remedy under the provisions of Tamil Nadu Forest Act and applied before the Forest Settlement Officer



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under Section 10 of the Act. Having failed to do so, submission of representation and getting direction against the District Collector for disposal cannot advance the case of the petitioner. My attention is also drawn to the order dated 12.12.1996 passed by the Hon'ble Apex Court in Writ Petition (Civil) No.202 of 1995 (T.N.Godavarman Thirumulkpad Vs. Union of India). The Hon'ble Apex Court had made it clear that once the land has been classified as forest, it cannot be alienated or parted with. Patta cannot be issued in respect of forest lands. No relief can be granted to the writ petitioner and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Sivagangai.
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G.R.SWAMINATHAN, J.

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