



W.P(MD)No.29110 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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- 1.K.Vinobajee
- 2.Manikkavalli
- 3.Natchammai
- 4.Sigappi
- 5.Solachi
- 6.Chitra
- 7.Panju
- 8.Lakshmi
- 9.Thottichi
- 10.Gandhimathi
- 11.Sumathi
- 12.Sindamani
- 13.Umamageshwari



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14.Indira

15.Lakshmi

16.Kannammal

17.Muthu

18.Kavery

19.Rakkammal

20.Meenal

21.Sigappi

22.Sigappi

... Petitioners

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The District Forest Officer,
District Forest Office,
Sivagangai District,
Sivagangai.

4.The Tahsildar,
Karaikudi,
Sivagangai District.

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5.The Village Administrative Officer,
Managiri Suganendal,
Patharakudi,
Karaikudi Taluk,
Sivagangai District.

6.The President,
Patharakudi Village Panchayat,
Karaikudi Taluk,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1, 2 and 4 considering the representation of the petitioners dated on 09.11.2023 and expedite the process for classify the land in Survey Number 265/2, Managiri Chukkanenthal Revenue group, Patharakudi village as Natham and issue patta to the petitioners for their displacement of resident.

For Petitioners : Mr.P.Aju Tagore

For Respondents : Mr.M.Prakash
Additional Government Pleader
for R.1 to R.5

ORDER

Heard both sides.

2.The petitioners are occupants of a reserved forest area. The District Forest Officer has therefore rightly taken action to evict the



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petitioners. However, there is considerable justification in the petitioners' request that they should be allotted an alternative site. This is because they have been in occupation of the reserved forest area for a number of years. The petitioners had submitted application to the revenue authorities. Taking a benovolent view of the matter, the revenue authorities have also identified Survey No.265/2, Patharakudi Village. The said survey number is said to measure 1.03.3 HAC. Each of the applicants are likely to get not less than 2 cents of land.

3.The Tahsildar is in the process of submitting report. After receiving appropriate order from the Revenue Divisional Officer, Devakottai, alternative site is to be allotted to the petitioners and thereafter forest encroachment will be removed.

4.This writ petition is disposed of in the following terms:

a)The Tahsildar, Karaikudi shall sent an appropriate report setting out all the relevant details regarding allotment of alternative site to the petitioners herein to the Revenue Divisional Officer, Devakottai. This shall be done by the Tahsildar, Karaikudi within a period of two weeks from the date of receipt of a copy of this order.



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b)The Revenue Divisional Officer, Devakottai shall accept the report of the Tahsildar, Karaikudi and pass an order in favour of the petitioners herein for reclassifying the land and for issuance of patta within a period of four weeks thereafter. After receipt of the report from the Revenue Divisional Officer, Devakottai, the Tahsildar, Karaikudi shall issue patta in favour of the petitioners and also physically handover the allotted sites. Till this process is completed, the petitioners shall not be evicted from the present habitation.

5.This writ petition is disposed of accordingly. There shall be no order as to costs.

11.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

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- 3.The District Forest Officer,
District Forest Office,
Sivagangai District,
Sivagangai.
- 4.The Tahsildar,
Karaikudi,
Sivagangai District.
- 5.The Village Administrative Officer,
Managiri Suganendal,
Patharakudi,
Karaikudi Taluk,
Sivagangai District.



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