



W.P. No.3017 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.3017 of 2024 and
W.M.P. No.3297, 3298 and 3299 of 2024

Tamil Nadu Scheduled Tribe (Malayali) Peravai
(Regd. No.307/93)

Represented by its President, M.Govindhan

No.15, 2nd street,

Kambar Nagar, Chennai - 600 082

... Petitioner

Vs.

1. The Principal Secretary Revenue Department
Secretariat, Chennai - 600 009

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

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

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



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5. The Revenue Divisional Officer

Kallakurichi Taluk
Kachirapalayam Road
Villupuram - 606 213

6. The District Forest Officer

Villupuram District
Villupuram - 605 502

7. The Special Tahsildar (Forest Settlement Officer)

Kallakurichi Taluk Office Complex
Kallakurichi - 606 202

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for records and quash the impugned order dated 11.01.2024 passed by the 3rd respondent in his proceedings Na.Ka.No.K5/5007760/2023 and consequently directing the respondents to survey, identify and issue patta to the Malayalis of Kalrayan Hills who are the members of the petitioner and are in possession and enjoyment of the lands situate Kalrayan Hills and for other consequential relief as are deemed fit and proper in the fact and circumstances of the case.

For Petitioner : Mr.E.Ashok Kumar
for Mr.D.Baskar

For Respondents : Mr.T.Arun Kumar
Additional Government Pleader



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ORDER

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This Writ Petition is filed challenging the impugned order dated 11.01.2024 passed by the 3rd respondent in his proceedings Na.Ka.No.K5/5007760/2023 and consequently directing the respondents to survey, identify and issue patta to the Malayalis of Kalrayan Hills who are the members of the petitioner Association and are in possession and enjoyment of the lands situate in Kalrayan Hills and for other consequential relief that are deem fit and proper in the fact and circumstances of the case.

2. The learned counsel for the petitioner/Association submits that the they had earlier filed W.P. Nos.34864 & 6818 of 2018 seeking patta in favour of the members of the petitioner/Association in respect of the land in question and this Court vide order dated 30.03.2023 directed the Commissioner of Land Administration, Chennai to depute a Tahsildar to survey the subject lands including other lands which are alleged to have been vested with the Government lands and to file a report and on receipt



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of the report, the Commissioner of Land Administration was directed to

decide the issue by conducting the enquiry as to the pre-existing rights of the Malayalis of the Kalrayan Hills. The operative portion of the order is extracted as follows:

“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 Administration. On the receipt of the same, the Commissioner of Land Administration is directed to decide the issue by conducting the enquiry as



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to the pre-existing rights of the Malayalis of the Kalrayan 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.”

Despite the directions of this Court dated 30.03.2023, now the 3rd respondent/The Commissioner of Land Administration has passed the impugned order rejecting the claim of the petitioner/Association which is against law and violative of specific directions of this order passed in the above said writ petitions. Therefore, the impugned order is liable to be quashed.

3. Heard and perused the materials available on record.

4. It is seen that the respondents have not challenged the above said order of this Court dated 30.03.2023. They neither filed appeal nor filed review. As such, the said order of this Court attained finality. However,



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without implementing the order of this Court, now the 3rd respondent has passed the impugned order. Therefore, the same is liable to be quashed.

5. Accordingly, the impugned order passed by the 3rd respondent is quashed.

6. The respondents are directed to depute a Tashildar to implement the order of this Court dated 30.03.2023 passed in W.P. Nos.34864 & 6818 of 2018, within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is allowed. Consequently connected Miscellaneous Petitions are closed. No costs.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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P.VELMURUGAN. J.

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