



W.P.No. 13387 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.13387 of 2024

Gopalakrishnan

.. Petitioner

Versus

1. The Union of India
Represented by its Secretary,
Ministry of Environment and Forest Wildlife Division
Parayavaran Bhavan, CGO Complex, New Delhi.

2. The State of Tamilnadu
Represented by its Secretary
Department of Environment and Forests
Fort St. George, Chennai

3. The Member Secretary
National Tiger conservation Authority
Annex No.5, Bikaner house,
Shahjahan Road, New Delhi

4. Principal Chief Conservator
of Forests-Wildlife Director
Panagal Maligai, Saidapet,
Chennai.



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5. The District Collector,
Collectorate, The Nilgiris

6. The Chief Conservator of Forests
& Filed director, Project Tiger,
The Tiger conservation Authority
Mudumalai Tiger Reserve,
Udhagamandalam,
The Nilgiris

7. The Revenue Divisional Officer
RDO's Officer, Gudalur
The Nilgiris

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the Respondent No.7 to enlist the petitioner as a beneficiary as per option -I of the National Tiger Conservation Authority's rehabilitation guidelines, in the light of the representation dated 31.01.2024 and pass orders.

For Petitioner : Mrs.Thangavadhana Balakrishnan

For Respondent-1 : Mrs. N.K. Nithilavani
Central Government Counsel

For Respondents
2,3,4 & 6 : Mr.C. Selvaraj
Additional Government Pleader

For Respondents 5 &7 : Mr.P. Gurunathan
Additional Government Pleader



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ORDER

This petition is filed to seeking to issue a writ of Mandamus directing the Respondent No.7 to enlist the petitioner as a beneficiary as per option -I of the National tiger Conservation Authority's rehabilitation guidelines, in the light of the representation dated 31.01.2024 and pass orders

2. The case of the petitioner is that the petitioner's family owns 1.00 acre of land including a residential house and cultivable lands. The sum and substance of the case is that the petitioner's family was enlisted as a beneficiary and granted an amount of Rs.10,000,000/- as compensation for rehabilitation during the year 2011-2012 under the option-I of the guideline of Project Tiger Scheme, 2008. It is pertinent to note as on the cut off date 31.12.2012 the petitioner was 34 years old and eligible to considered as a separate family for claiming the compensation amount. The grievance of the petitioner is that the name of the petitioner is not found in the list of beneficiaries. Hence, the petitioner made a



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written representation to the seventh respondent on 31.01.2024 herein to consider his claim. However, there was no response till date. Hence, this petition.

3. Mrs.Thangavadhana Balakrishnan, the learned counsel for the petitioner submitted that several families who were the residents of that particular area have been successfully rehabilitated and the claim of the petitioner has been denied by the respondents and they have not even turned up to give a response to the representation of the petitioner dated 31.01.2024 . Hence, prays to allow this petition.

4.The learned Government Pleader appearing for the seventh respondent filed a counter wherein it was stated that based on the representation given by the petitioner on 31.01.2024 they have called the petitioner and an enquiry has been conducted and opportunity was also given to put forth the contentions of the petitioner. After going through the facts of the case and also taking note of the explanation given by the petitioner and instructions and guidelines and District Level committee's instructions, the representation of the petitioner was disposed by



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rejecting the request since there was no existence of the petitioner's family in the Mudumalai Tiger Reserve Area at the time of cut off date which is one of the most important criteria for eligibility. It is further stated that the reply was also given to the petitioner in R.C.A1/6700736/2024 dated 03.07.2024. Hence, the representation of the petitioner was considered by the respondents.

5. On a perusal of records it is seen that during the year 2008, the National Tiger Conservation Authority had formulated guidelines regarding relocation of people from Tiger Reserve. Accordingly, in the National Tiger Conservation Authority guidelines, the following two options are provided.

Option-1

*Cash option to relocate by themselves.
Payment of relocation package & Rs.10.00 Lakhs per family (inclusive of the valuation of their assets) through Grama Sabha and the family have to relocate themselves.*



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Option -2

Relocation by the department @ per family norms out of Rs.10.00 lakhs as detailed below.

<i>Agricultural land procurement and developments</i>	<i>35% of the total package (In this case the land is free of cost) and this savings may be utilized for community facilities</i>
<i>Settlement of Rights</i>	<i>30% of the total package. If the valuation of immovable assets exceeds he norms, the additional amount will be met by the State Government</i>
<i>Homestead land and house construction</i>	<i>20% of the total package</i>
<i>Incentive</i>	<i>5% of the total package along with the saving from the 1st component</i>
<i>Community facilities (access road, irrigation, drinking water, sanitation, electricity telecommunication, community centre, places of worships cremation ground etc.,</i>	<i>10% of the total package along with the saving from the 1st component</i>



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In the counter affidavit filed by the Government pleader it has been clearly stated that since there was no existence of the petitioner's family in Mudumalai Village in the particular address on the cut off date they were not able to consider the plea of the petitioner and the same was also properly intimated to the petitioner vide order dated 03.07.2024 in R.C.A.1/16700736/2024.

6. At this juncture the learned counsel for the petitioner submitted that pending this writ petition the 7th respondent has passed the above order in R.C.A.1/16700736/2024 dated 03.07.2024. She further submitted that the claim of the petitioner was rejected by the 7th respondent only on the ground that petitioner's family was not residing in Mudumalai Village in the particular address on the cut off date. But, the fact remains that the petitioner's family was residing in that particular area on the cut off date and the petitioner has documents and evidence to establish the same. Hence, liberty may be granted to the petitioner to file another Writ petition for Certiorarified Mandamus, challenging the order of the 7th respondent in R.C.A.1/16700736/2024 dated 03.07.2024.



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7. In view of the above, this Court is of the view, that it would be appropriate to grant one more opportunity to the petitioner to establish their case by way of filing another petition for Certiorarified Mandamus, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

24.07.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn



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To

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V.BHAVANI SUBBAROYAN, J.

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