



WEB COPY



W.P.No.12842 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.12842 of 2024

1.R.Nagarajan
2.C.Ramasundaram
Petitioners

..

Vs

1.The District Collector
Salem

2.The Revenue Divisional Officer
Mettur, Salem

3.The Tahsildar
Kadayampatti Taluk

4.The District Forest Officer
Salem Forest Range
Salem

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 3 to change the classification of land measuring 2.62 acres in S.No.120/1B, Jodukuli, Gundukkal Village, Kadayampatti Taluk, Salem District from “Forest Margin” to “Patta Land” in Government records and consequently issue patta in the petitioners names by considering their



W.P.No.12842 of 2024

representations dated 10.07.2023 and 04.09.2023.

For Petitioners : Mr.T.S.Vijaya Raghavan
For R1 to R3 : Mr.A.Selvendran
Special Government Pleader
For R4 : Mr.S.Rajesh
Government Advocate

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed for a direction to the respondents to change the classification of petitioners land measuring 2.62 acres in S.No.120/1B, Jodukuli, Gundukkal Village, Kadayampatti Taluk, Salem District and issue patta.

3. Heard the learned counsel for the petitioners and the learned Special Government Pleader, learned Government Advocate appearing for the respondents and perused the materials available on record.

4. It is the case of the petitioners that the subject land inherited by them was a private property and it has been never declared as Forest Margin, but, in the revenue records, it is wrongly mentioned as such. In



W.P.No.12842 of 2024

in this regard, the petitioners along with others filed O.S.No.190 of 1997 on the file of the Judicial Magistrate Court, Omalur, for declaration of title and the same was decreed in favour of the plaintiffs therein. Further, the Forest Department also gave a reply to the petitioners that the subject land was never under the control of Forest Department at no point of time. The classification as Forest Department was made due to mistake in the revenue records and therefore, the petitioners approached the District Collector, for rectifying the same by submitting representations dated 10.07.2023 and 04.09.2023. Since the said representations have not been considered till date, the present Writ Petition has been filed with the above prayer.

5. Learned Special Government Pleader appearing for the respondents would submit that though it is not in dispute as to the factual aspect, reclassification has to be done only by the Commissioner, Land Administration and not by the District Collector. He would further submit that if the petitioners give an application to the Commissioner, Land Administration, in this regard, the same would be considered.



W.P.No.12842 of 2024

6. In such view of the matter, the petitioners are directed to give an application to the Commissioner, Land Administration, within a month from today and on receipt of such application, the Commissioner, Land Administration, shall pass orders on merits, considering the stand of the Forest Department in Na.Ka.No.9276/2023/R2 dated 31.08.2023.

With the above direction, this writ petition is disposed of. No costs.

05.06.2024

gya

(2/2)

Index : Yes/No

Neutral Citation : Yes/No



W.P.No.12842 of 2024

WEB COPY

To

1.The District Collector
Salem

2.The Revenue Divisional Officer
Mettur, Salem

3.The Tahsildar
Kadayampatti Taluk

4.The District Forest Officer
Salem Forest Range
Salem



WEB COPY



W.P.No.12842 of 2024

N.SATHISH KUMAR, J.

gya

W.P.No.12842 of 2024

05.06.2024

(2/2)