



W.P.No.16553 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.16553 of 2021

1. S.Devaraj
2. S.Radhakrishnan
3. S.Chandrappa
4. Yasodhamma
5. Ramakrishnappa
6. Kemppanna
7. V.Murali
8. V.Lakshmipathy
9. V.Anitha

... Petitioners

Vs

1. The District Revenue Officer
Krishnagiri District.
2. The District Forest Officer
District Forest Office, Mathigiri, Hosur,
Krishnagiri District.
3. The Sub Collector,
Hosur, Krishnagiri District.
4. The Forest Settlement Officer
Krishnagiri Taluk office Compound,
Krishnagiri, Krishnagiri District.



W.P.No.16553 of 2021

5. The Tahsildar

Taluk Office, Shoolgairi, Krishnagiri District.

... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent relating to Pa. Mu.No. 25569/ 2020/ J2 dated 27.2.2021 quash the same and consequently direct the respondents 1 to 5 to rectify the erroneous classification of lands measuring about 32.62 Acres comprised in Old Survey No.2 New Survey No.2/1 situate at Malakalakki Village Shoolagiri Taluk Krishnagiri District and issue patta to the petitioners within the time to be stipulated by this Court.

For Petitioners : Ms.Divyapreathika

For Respondents : Mr.P.Sathish,
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the impugned Order of the first respondent in Pa. Mu.No. 25569/ 2020/ J2 dated 27.2.2021 and consequently direct the respondents 1 to 5 to rectify the erroneous



W.P.No.16553 of 2021

classification of lands measuring about 32.62 Acres comprised in Old Survey No.2 New Survey No.2/1 situate at Malakalakki Village Shoolagiri Taluk Krishnagiri District and issue patta to the petitioners within the time to be stipulated by this Court.

2. Heard Ms.R.Divyapreathika, learned counsel appearing for the writ petitioner, Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents.

3. The case of the writ petitioner is that an extent of 32.62 acres comprised in old survey No.2, New Survey No.2/1 of Malakalakki Village, Shoolagiri Taluk, Krishnagiri District belong to his ancestors and they purchased the same under sale deed date 25.10.1948. Ever since the date of their purchase, they are in possession of the property. After the death of the ancestors of the petitioners, the petitioners are in peaceful possession of the property. When the petitioner approached the authorities for issuance of patta, they came to know that the property has been wrongly classified as reserved forest during UDR. Therefore, they



W.P.No.16553 of 2021

have sent a representation dated 09.12.2016. As the same has not been considered, the writ petitioner has filed a writ petition in W.P.No.10016 of 2017 and this Court by an Order dated 14.07.2020, directed the authorities to consider the representation of the petitioner and pass an Order on its own merits. Now, the representation of the petitioner has been considered and the same has been rejected by third respondent. According to the petitioners, they are the owners of the property and the classification has to be redone.

4. Counter has been filed by the respondents contending that the land in question has been in possession of the Forest Department and notification has also been issued under section 4 of the Forest Act declaring as a reserved forest. It is their further contention that enquiry has been conducted and claim has been preferred and thereafter, notification came into effect and the said land and other lands were classified as reserved forest with effect from 09.06.1982. Hence, opposed the Writ Petition.



W.P.No.16553 of 2021

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5. The petitioner claim title on the basis of sale deed said to have been made by his ancestors in the year 1948. It is relevant to note that they relied on imam patta. After the Inam Abolition Act came into force, all the lands vest with the Government. The fact remains that the Forest Settlement Officer has also conducted enquiry under the Tamilnadu Forest Act which culminated into a notification declaring the subject land and other lands as reserved forest lands as early as in the year 1982. Once the notification came into effect in the year 1982, now it cannot be contended that mistake has crept in UDR. Further, there are no materials available to show that the lands are in continuous possession of the petitioners all these years. Therefore, merely getting innocuous direction from this Court to consider the representation and thereafter, creating a cause of action to file a writ petition is a new phenomenon to somehow or other to acquire right over the forest land. In such view of the matter, I do not find any infirmity in the impugned Order to interfere as the impugned Order has been passed after conducting proper enquiry as contemplated under the Tamilnadu Forest Act 1982.



W.P.No.16553 of 2021

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6. Accordingly, this Writ Petition is dismissed. No costs.

02.04.2024

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

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Krishnagiri District.
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W.P.No.16553 of 2021

N.SATHISH KUMAR, J.

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WP.No.16553 of 2021

02.04.2024