



W.P.No.22235 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2024

CORAM:

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

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1.Mr. Mohamed Kani

2.Mr. Santhosh Kumar

3.Mr.P.N. Murali

4.Mr.V. Prabakaran

... Petitioners

Versus

1. State of Tamil Nadu,
represented by its Secretary to Government,
Environment and Forest Department,
Fort St. George, Chennai

2. The District Collector,
Thiruvallur District.

3. The Settlement Thasildar,
Gummidipoondi Taluk,
Tiruvallur District.

4. Principal Chief Conservative Officer,
Tamilnadu Forest Department,
No.1, Pangal Building,
Jenis Road, Saidapet, Chennai – 600 015.



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5.District Forest Officer,
Chennai – Thiruvallur High Road,
Chinna Ekkadu, Jaya Nagar,
Thiruvallur – 60 001.

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the first respondent to consider the representation sent by the petitioner dated 18.06.2024 for De-Classification the lands belonging to the petitioner situated at Kannankottai Village, bearing Joint Patta No.216, comprised in Survey No.2 of Kannankottai Village, Gummidipondi Taluk, Tiruvallur District, measuring a total extent of 632.83 Acres from the Classification of “Reserve Forest” and further to recognize ownership by issuing a “No-objection” by the 2nd respondent, enable the petitioner to obtain the patta for the schedule lands and to pass appropriate orders.

For Petitioner : Mr.M. VelMurugan
For Respondents 1,4 and 5 : Dr.T. Seenivasn
Special Government Pleader

For Respondents 2 and 3 : Mr.N. Naveen Kumar,
Government Advocate



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ORDER

This petition is filed to issue a writ of Mandamus directing the first respondent to consider the representation sent by the petitioner dated 18.06.2024 for De-Classification the lands belonging to the petitioner situated at Kannankottai Village, bearing Joint Patta No.216, comprised in Survey No.2 of Kannankottai Village, Gummidipondi Taluk, Tiruvallur District, measuring a total extent of 632.83 Acres from the Classification of “Reserve Forest” and further to recognize ownership by issuing a “No-objection” by the 2nd respondent, enable the petitioner to obtain the patta for the schedule lands and to pass appropriate orders.

2.The facts of the case is that the subject property was purchased by Sudarshan Trading Company on 07.02.1968. The subject property was situated in Kannankottai village, Gummidipoondi Taluk, Thiruvallur District comprised in S.No/Paimash Nos. 448-A,449-A,448-B,449 and 444 and the same was registered in Doc Nos.537/1968, 538/1968, 539/1968, 540/1968 and 541 of 1968. Each survey no consists of 80 acres. The Settlement Tahsildar, Chengalpet had granted settlement patta in favour of Sudarshan Trading Company Ltd. It is pertinent to note that



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the Settlement Officer vide order dated 15.02.1969 had issued a Joint patta No.216 to Sudarshan Trading Company Ltd and 41 villagers to an extent of 632.83 acres and had further categorically declared that the said lands are not forest lands and the same to be punjai lands. The persons who have not assigned with patta have filed an appeal before the Lease Hold Abolition Tribunal as against the order of the Tahsildar and thereby the said patta was set-aside by order dated 30.11.1972 by the Lease Hold Abolition Tribunal (Sub-Court) Chengalpet. Against the said order Sudarshan Trading Company Ltd and other 41 pattadarars of Villagers have preferred an appeal before the High Court of Madras, wherein the Appeal was dismissed upholding the order of the Tribunal by order dated 13.09.1978. The Tamil Nadu Private Forest Assumption of Management Act, 1961 would apply only to Gudalur and Ootacamund District and has no application whatsoever to Kannakottai. When this being the case the Government of Tamil Nadu has presently notified vide G.O.Ms.No.126 Environment and Forest (FR 14) dated 03.05.2012 declaring that the schedule lands situated at Kannakottai Forest Block as "Reserve Forest" and consequently issued a Public Notice under Special Gazette Notification dated 22.09.2021, vide 132B-SI No.4



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(Na.Ka.No.Va.N3.a/83/2008, 17.09.2021) inviting the stack holder and other claimants to submit their representation or objections with regard to the said notification. Aggrieved over the same the petitioner has sent a representation to the respondents on 18.06.2024 for De-Classification from the Classification of “Reserve Forest” and further to recognize their ownership by issuing a “ No Objection” by the second respondent and to enable the petitioner to obtain the patta for the schedule lands and to pass appropriate orders. However, the said representation was not considered till date.

3.The learned counsel for the petitioner submitted that original Notification issued by the first respondent by G.O.Ms.No.126 Environment and Forest (FR 14) was issued on 03.05.2012, but after the delay of 9 years, the second respondent has issued Special Gazette Notification dated 22.09.2021, vide 132B-SI No.4 (Na.Ka.No.Va.Ne.a/83/2008, 17.09.2021. He further submitted the said notification does not solve any purpose as the same has been issued belatedly.

4. The learned Government Advocate appearing for the respondent



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produced a letter in Ref.No.D/4688/2024 dated 02.08.2024, wherein it was stated that the Forest Settlement Officer is the proper authority who will publish a notification under Section 6 providing provisions for claims and appeals. However, the Forest Settlement Officer, Thiruvallur District is not made a party in this writ petition who can decide the issue with regard to the claim made by the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the facts of the case, this Court directs the petitioners to make a representation to the Forest Settlement Officer, Thiruvallur District within a period of three weeks from the date of receipt of a copy of this order with all necessary particulars and on receipt of the representation and other particulars the Forest Settlement Officer, Thiruvallur District is directed to verify the same and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.



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7. With the aforesaid direction, this writ petition is disposed of. No order as to costs.

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

1.The Secretary to Government,
Environment and Forest Department,
Fort St. George, Chennai

2. The District Collector,
Thiruvallur District.

3. The Settlement Thasildar,
Gummidipoondi Taluk,
Tiruvallur District.

4. Principal Chief Conservative Officer,
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V.BHAVANI SUBBAROYAN, J.

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