



WEB COPY



W.P.No.30143 of 2024 and etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.Nos.30143, 30211, 30218, 30239, 30368 & 30370 of 2024

- | | |
|--------------------|---|
| 1. Annamalai | ... Petitioner in
W.P.No.30143 of 2024 |
| 2. P.Selvaraj | ... Petitioner in
W.P.No.30211 of 2024 |
| 3. Velmurugan | ... Petitioner in
W.P.No.30218 of 2024 |
| 4. Subramaniyan | ... Petitioner in
W.P.No.30239 of 2024 |
| 5. Sivamani | ... Petitioner in
W.P.No.30368 of 2024 |
| 6. P.Senthil Kumar | ... Petitioner in
W.P.No.30370 of 2024 |

Vs.

1. The Commissioner of Land Administration,
Ezhiagam,
Chepauk,
Chennai – 600 005.
2. The District Collector,
Kallakurichi District,
Kachirapalayam Road,
Kallakurichi – 605 602.
3. The Revenue Divisional Officer,
Kallakurichi,
Kachirapalayam Road,
Kallakurichi – 606 202.



W.P.No.30143 of 2024 and etc. batch

4. The Chief Conservation of Forest,
Panangal Maligai,
Saidapet,
Chennai – 600 015.

... Respondents in
all W.Ps.

Prayer in W.P.No.30143 of 2024: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records and quash the impugned order dated 21.06.2024 passed by the 3rd respondent in his proceedings O.Mu.A7/1651/2024 and consequently directing the respondents to issue patta to the Petitioner for the land in possession and enjoyment of the lands situate at S.No.90/2 in Pottiyam Village, Kallakurichi District.

Prayer in W.P.No.30211 of 2024: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records and quash the impugned order dated 21.06.2024 passed by the 3rd respondent in his proceedings O.Mu.A7/1651/2024 and consequently directing the respondents to issue patta to the Petitioner for the land in possession and enjoyment of the lands situate at S.No.70/2 in Pottiyam Village, Kallakurichi District.

Prayer in W.P.No.30218 of 2024: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records and quash the impugned order dated 21.06.2024 passed by the 3rd respondent in his proceedings O.Mu.A7/1652/2024 and consequently directing the respondents to issue patta to the Petitioner for the land in possession and enjoyment of the lands situate at S.No.91 in Pottiyam Village, Kallakurichi District.



W.P.No.30143 of 2024 and etc. batch

Prayer in W.P.No.30239 of 2024: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records and quash the impugned order dated 21.06.2024 passed by the 3rd respondent in his proceedings O.Mu.A7/1650/2024 and consequently directing the respondents to issue patta to the Petitioner for the land in possession and enjoyment of the lands situate at S.No.91 in Pottiyam Village, Kallakurichi District.

Prayer in W.P.No.30368 of 2024: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records and quash the impugned order dated 21.06.2024 passed by the 3rd respondent in his proceedings O.Mu.A7/1649/2024 and consequently directing the respondents to issue patta to the Petitioner for the land in possession and enjoyment of the lands situate at S.No.91 in Pottiyam Village, Kallakurichi District.

Prayer in W.P.No.30370 of 2024: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records and quash the impugned order dated 21.06.2024 passed by the 3rd respondent in his proceedings O.Mu.A7/1651/2024 and consequently directing the respondents to issue patta to the Petitioner for the land in possession and enjoyment of the lands situate at S.No.84/1 in Pottiyam Village, Kallakurichi District.



WEB COPY



W.P.No.30143 of 2024 and etc. batch

For Petitioners : Mr.D.Bhaskar
for Mr.C.Deepa Nandhini
(in all)
For R1 to R3 : Mr.A.Selvendran
Additional Government Pleader
(in all)
For R4 : Mr.C.Selvaraj
(in all)

ORDER

By this Common Order all the Writ Petitions are being disposed of.

2. The details of the respective Writ Petitioners challenging the
Impugned Orders are as under:-

Sl.No	W.P.Nos.	Name of the Petitioners	Impugned Order dated	Impugned Order No.
1.	30143 of 2024	Annamalai	21.06.2024	O.Mu.A7/1651/2024
2.	30211 of 2024	P.Selvaraj	21.06.2024	O.Mu.A7/1658/2024
3.	30218 of 2024	Velmurugan	21.06.2024	O.Mu.A7/1652/2024
4.	30239 of 2024	Subramaniyan	21.06.2024	O.Mu.A7/1650/2024
5.	30368 of 2024	Sivamani	21.06.2024	O.Mu.A7/1649/2024
6.	30370 of 2024	P.Senthil Kumar	21.06.2024	O.Mu.A7/1657/2024



W.P.No.30143 of 2024 and etc. batch

WEB COPY 3. The case of the Petitioner (W.P.No.30143 of 2024) is that the property comprised in Survey No.90/2, Pottiyam Village, Chinna Salem Taluk, Kallakurichi Village is an ancestral property which has been owned and enjoyed by the petitioner's family for over 200 years.

4. This village comes under the Kalrayan Hill Range. The Kalrayan Hill Range is divided into five Nadus viz., i) Chinna Kalrayan Hills Nadu, 2) Periakalrayan Hills Nadu, 3) Jadaia Goundan Nadu, 4) Kurumba Grounda Nadu and 5) Ariya Goundan Nadu.

5. After the introduction of the Act 26 of 1963, the Government of India had passed G.O.Ms.No.3551, Revenue dated 31.12.1965, whereby from 01.02.1966, the Act was made applicable to Jagirs (Inam Estates) belonging to the Jagirdars who ruled the Kalrayan Hills.

6. Under Section 10 of the said Act, a provision is made for grant of land to Ryots. Section 19 of the said Act requires its survey of the entire estate as per the Tamil Nadu Survey and Boundaries Act, 1923.



W.P.No.30143 of 2024 and etc. batch

WEB COPY 7. In the year 1971, the Government had issued instructions for grant of Patta, however in respect of the Kalrayan Hills no survey has been undertaken nor Patta has been granted. The Kalrayan Hills were classified as the forest lands and by G.O.Ms.No.3 Commercial Taxes and religious Endowments dated 02.01.1979, the Government had included the Jagirs (Inam Estates) belonging to the Jagirdars who ruled Kalrayan Hills as forest lands.

8. This was challenged by way of a Writ Petition in W.P.No.1210 of 1985 and by an Order dated 24.02.1994, this Court had disposed of the Writ Petition with a direction to the Petitioner to submit claims before the 4th Respondent and the 4th Respondent was directed to conduct an investigation and issue Patta to the claimant. However, to date no further progress has taken place.

9. The learned counsel for the Petitioner would submit that though the Petitioner had approached the Respondents several times to comply with the Order passed by this Court dated 24.02.1994 in W.P.No.1210 of 1985, steps



W.P.No.30143 of 2024 and etc. batch

have not been taken so far.

WEB COPY

10. In this regard, the Petitioner has made a representation dated 22.05.2024, directing the Respondents to issue Patta to him in respect of his land in Survey No.90/2, Pottiyam Village, Chinna Salem Taluk, Kallakurichi Village.

11. By the Impugned Order dated 21.06.2024, the representation made by the Petitioner was rejected by the Respondents and further directed the Petitioner to approach the Authority under the Forest Rights Act, 2006. Challenging the same, the Petitioner is before this Court.

12. Heard the learned counsel on either side.

13. The proposals to classify the lands in question as forest lands had been questioned by the Tribals of the Kalrayan village in W.P.No.1210 of 1985.

14. By an order dated 24.02.1994 in W.P.No.1210 of 1985, this Court



has disposed of the Writ Petition with the following directions:-

WEB COPY

“4. There can be no controversy over the position that this Court itself cannot undertake such investigation of facts to adjudicate on the merits or de-merits of any one individual out of 500 tribals said to be involved for whose benefit the writ petition has been filed. The learned Additional Government Pleader(Forests) represents that during the year 1993, some of the claims have been undertake for enquiry and a list has been prepared but from the point of view of this Court within the limited scope of the nature of enquiry that could be undertaken in this writ petition, it would not be possible for this Court to correlate or identify those persons with the 500 claimants whose claims are the subject matter of this writ petition as a public interest litigation. In the above circumstances, I am of the view that the following directions may be issued in final disposal of this writ petition:-

- a) The petitioner, shall submit individual claims from the respect members claiming patta by disclosing the name and other particulars relating to the identity of the individual as also the place of residence and so far as the lands under their occupation are concerned with boundaries, if there is any difficult in giving the survey numbers or sub-divisions, if any, in the District Collector. The application shall be given within a period of three months from this day.*
- b) On receipt of the applications and when it is received also, the respondents can undertake the necessary investigation from time to time to verify the claims and pass final orders either*



from time to time or on a combined consideration within six months from this day on the applications that may be filed.

c) If any of the applicants are aggrieved against the orders that may be passed, they shall be at liberty to their rights in the manner known to and in accordance with law.”

15. Pursuant to this Order, claims have been made by the occupants of the Kalrayan Village. The Commissioner of Land Administration vide Letter dated 05.08.1995 quoting the Judgement of this Court in W.P.No.1210 of 1985 dated 24.02.1994 referred above has recommended that the land under occupation of the local Tribals in the Kalrayan Village should be exempted from the general ban on Assignment in Hill Areas and lands should also be deleted from the purview of the Tamil Nadu Forest Act.

16. The District Collector has also addressed the Secretary to Government vide his Letter dated 07.03.1999 stating that the meeting had been convened under the chairmanship of Ministry of Revenue on 17.08.1998 with regard to the assignment of lands to the tribals in Kalrayan Hills and it had been resolved and that proposals were submitted to the Government for



W.P.No.30143 of 2024 and etc. batch

the assignment of lands to the Tribals of Kalrayan Hills.

WEB COPY

17. Despite the Order of this Court in W.P.No.1210 of 1985 dated 24.02.1994, the 3rd Respondent has proceeded to pass the Impugned Order. The total Non-application of mind on the side of the 3rd Respondent is evident from the fact that he is neither referred to the Orders of this Court nor the Communication of the superiors where under it has been clearly stated that these lands have been de-linked from the forest lands and Orders had been given to issue Patta.

18. The learned Special Government Pleader has produced the Government Order in G.O.Ms.No.1168 Revenue Department dated 25.07.1899 and submitted that assignment of lands could not be granted.

19. This is not applicable to the instant case. The Order passed by this Court in W.P.No.1210 of 1985 dated 24.02.1994 has not been challenged by the Respondents, on the contrary the Respondents had been working towards complying with the directions passed in the said orders.



W.P.No.30143 of 2024 and etc. batch

WEB COPY

20. In the light of the above, the Impugned Order passed by the 3rd Respondent dated 21.06.2024 stands quashed. Accordingly, the Writ Petition in W.P.30143 of 2024 is allowed by directing the Respondents to grant Patta to the Petitioner within a period of six (6) weeks from the date of receipt of a copy of this Order. No costs. The connected Writ Petitions in W.P.Nos.30211, 30218, 30239, 30368 and 30370 of 2024 are also allowed following the Order passed by this Court in W.P.No.30143 of 2024.

06.11.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
rgm



WEB COPY



W.P.No.30143 of 2024 and etc. batch

P.T.ASHA, J.

rgm

To

1. The Commissioner of Land Administration,
Ezhiagam,
Chepauk,
Chennai – 600 005.
2. The District Collector,
Kallakurichi District,
Kachirapalayam Road,
Kallakurichi – 605 602.
3. The Revenue Divisional Officer,
Kallakurichi,
Kachirapalayam Road,
Kallakurichi – 606 202.
4. The Chief Conservation of Forest,
Panangal Maligai,
Saidapet,
Chennai – 600 015.

W.P.Nos.30143, 30211, 30218, 30239,
30368 & 30370 of 2024



WEB COPY



W.P.No.30143 of 2024 and etc. batch

06.11.2024