



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 27-03-2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM**

**And**

**THE HONOURABLE MR. JUSTICE K.RAJASEKAR**

**WA Nos.2796 to 2800 of 2022**

**And**

**CMP Nos.22732 to 22735 and 22751 of 2022**

Manesan .. Appellant in WA 2796/2022

Malliga .. Appellant in WA 2797/2022

K.Kaalliappan .. Appellant in WA 2798/2022

Madhu .. Appellant in WA 2799/2022

Rajamanickam .. Appellant in WA 2800/2022

**-VS-**

The State of Tamil Nadu,  
Represented by the Secretary to Government,  
Revenue Department,  
Fort St. George,  
Chennai-600 009. .. R-1 in all WAs



The State of Tamil Nadu,  
Represented by Agriculture Production  
Commissioner and the Secretary to Government,  
Fort St. George,  
Chennai-600 009. .. R-2 in all WAs

The State of Tamil Nadu,  
Represented by the Secretary to Government,  
Adi Dravidar and Tribal Welfare Department,  
Fort St. George,  
Chennai-600 009. .. R-3 in all WAs

The Directorate of Horticulture and Plantation Crops,  
3<sup>rd</sup> Floor, Agriculture Complex,  
Ezhilagam,  
Chepauk,  
Chennai-600 005. .. R-4 in all WAs

The District Collector,  
Dharmapuri District,  
Dharmapuri. .. R-5 in all WAs

The Tahsildar,  
Dharmapuri Taluk,  
Dharmapuri District. .. R-6 in all WAs

**WA No.2796 of 2022** is preferred under Clause 15 of Letters Patent Act, against the order passed by this Court in WP No.835 of 2020 dated 08.08.2022.



**WA No.2797 of 2022** is preferred under Clause 15 of Letters Patent Act, against the order passed by this Court in WP No.850 of 2020 dated 08.08.2022.

**WA No.2798 of 2022** is preferred under Clause 15 of Letters Patent Act, against the order passed by this Court in WP No.831 of 2020 dated 08.08.2022.

**WA No.2799 of 2022** is preferred under Clause 15 of Letters Patent Act, against the order passed by this Court in WP No.849 of 2020 dated 08.08.2022.

**WA No.2800 of 2022** is preferred under Clause 15 of Letters Patent Act, against the order passed by this Court in WP No.834 of 2020 dated 08.08.2022.

For Appellant in all Was : Mr.A.R.Suresh

For Respondents in all WAS : Mr.A.Selvendran,  
Special Government Pleader.



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WA Nos.2796 to 2800 of 2



## **COMMON JUDGMENT**

**[COMMON JUDGMENT OF THE COURT WAS DELIVERED**

**BY S.M.SUBRAMANIAM, J.]**

The present Intra-Court Appeals have been instituted challenging the common order dated 08.08.2022 passed in WP Nos.835, 850, 831, 849 and 834 of 2020.

2. The learned counsel for the appellants mainly contended the right of the appellants are recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules 2007, but they are in possession of the subject land for several years. Therefore, they acquired right over the property.

3. Mr.A.Selvendran, learned Special Government Pleader, appearing on behalf of the respondents, opposed the contentions raised on behalf of the appellants by stating that the subject lands have been already



acquired by the Government and transferred to the Horticulture Department vide G.O.Ms.No.227, Revenue (LD-4) Department, dated 02.07.2013 for developing Agricultural Farms/Botanical Garden.

4. Once the lands are acquired by the Government and transferred to the Horticulture Department for developing Botanical Garden, the subject lands cannot be subjected to the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007.

5. The possession of subject land had been handed over to the Deputy Director of Horticulture Department, Dharmapuri by the Tahsildar, Dharmapuri. Thus we are not inclined to consider the grounds raised by the appellants for claiming right over the properties. However, if the appellants are landless poor persons, they are at liberty to submit applications to the Competent Authorities for assignment of lands to lead their livelihood. In the event of receiving any such applications, it is to be considered by following the terms and conditions stipulated under the Welfare Schemes and in accordance with the Revenue Standing Orders.



6. With the above liberty, all the writ appeals are dismissed.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

**(S.M.SUBRAMANIAM,J.) (K.RAJASEKAR,J.)**

**27-03-2024**

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

Svn



To

1. The Secretary to Government,  
State of Tamil Nadu,  
Revenue Department,  
Fort St. George,  
Chennai-600 009.
2. The Agriculture Production  
Commissioner and the Secretary to Government,  
State of Tamil Nadu,  
Fort St. George,  
Chennai-600 009.
3. The Secretary to Government,  
State of Tamil Nadu,  
Adi Dravidar and Tribal Welfare Department,  
Fort St. George,  
Chennai-600 009.
4. The Directorate of Horticulture and Plantation Crops,  
3<sup>rd</sup> Floor, Agriculture Complex,  
Ezhilagam,  
Chepauk,  
Chennai-600 005.
5. The District Collector,  
Dharmapuri District,  
Dharmapuri.
6. The Tahsildar,  
Dharmapuri Taluk,  
Dharmapuri District.



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WA Nos.2796 to 2800 of 2

**S.M.SUBRAMANIAM, J.**  
**AND**  
**K.RAJASEKAR, J.**

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WAs 2796 to 2800 of 2022

27-03-2024