



W.P.No.32702 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

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

W.P.No.32702 of 2024

and

W.M.P.No.35536 of 2024

Tamilnadu Scheduled Trade (Malayali) Peravai,
Represented by its State President,
No.4/169, Oduvangadu, Thumbalpatti Post,
Panamarathupatti via,
Salem – 636 204.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Revenue Department,
Fort St.George,
Chennai – 600 009.
2. The State of Tamil Nadu,
Represented by its Secretary,
Environment and Forest Department.
3. The District Collector,
Salem District.
4. The District Revenue Officer,
Salem District.



W.P.No.32702 of 2024

5. The District Forest Officer,
District Forest Office,
Hasthampatti,
Salem District – 636 007.

6. The Forest Settlement Officer,
Athur, Salem District.

7. The Revenue Division Officer,
Suramangalam,
Salem – 636 005.

8. The Tahsildar,
Taluk Office,
Manakadu,
Salem District.

9. The Project Officer,
Scheduled Tribe Welfare Department,
District Collectorate Office,
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the Respondents 1, 3, 7 and 8 to consider the representation dated 11.03.2024 and 08.05.2024 to grant patta in favour of the list mentioned persons annexed with the representation who are the members of the petitioners association in Thumbalpatti Block office in respect of Survey Nos.1 and 84/1 of the Thumbalpatti Village, Salem District within a stipulated period of time consequently directing the respondents 5 and 6 not to cause any disturbance to in cultivating the land by them.

For Petitioner : Mr.R.Ezhilarasan

For Respondents : Mr.P.Sathish



W.P.No.32702 of 2024

Additional Government Pleader

WEB COPY

ORDER

Mr.P.Sathish, learned Additional Government Pleader takes notice on behalf of the Respondents.

2. This Writ Petition has been filed for a Mandamus to direct the Respondents 1, 3, 7 and 8 to consider the representation dated 11.03.2024 and 08.05.2024 to grant patta in favour of the persons mentioned in the list annexed with the representation who are the members of the petitioners association in Thumbalpatti Block office in respect of Survey Nos.1 and 84/1 of the Thumbalpatti Village, Salem District within a stipulated period of time consequently directing the respondents 5 and 6 not to cause any disturbance to in cultivating the land by them

3. The brief facts of the case is that the Petitioner Association and its members belong to the Scheduled Tribes who are Traditional Forest Dwellers. The lands in Survey No.1 and Survey No.84/1 of Thumbalpatti Village measuring an extent of 125.09.5 Hectares and 66.22.5 Hectares



W.P.No.32702 of 2024

respectively has situated near the forest lands under the control of the Forest Department. In the UDR Scheme, these two survey numbers were classified as unassessed tharisu lands. The members of the Petitioner Association were cultivating the lands and earning meagre income from the said land had requested that they be granted Patta in respect of the said land.

4. The learned counsel for the Petitioner would submit that in the light of the lands being declared as unassessed tharisu lands, the Petitioner Association had requested for grant of Patta in their name. Since the representations were not considered, the Petitioner is before this Court.

5. On the other hand, the learned Additional Government Advocate would submit that the Petitioner's Association cannot make an application and it is for an individual member to make separate application to the 8th Respondent.

6. Heard the learned counsel on either side.

7. In the light of the submissions made by the learned Additional



W.P.No.32702 of 2024

Government Pleader for the Respondents, the Writ Petition is allowed.

The members whose name have been annexed to the representation given by the Petitioner on 08.05.2024, shall independently make an application to the 8th Respondent with the attendant documents. Thereafter, the Respondents shall pass appropriate orders on merits and in accordance with law within a period eight (8) weeks from the date of receipt of the application. No costs. Consequently, connected Miscellaneous Petition is closed.

12.11.2024

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

To
1. The State of Tamil Nadu,
Represented by its Secretary,
Revenue Department,
Fort St.George,



W.P.No.32702 of 2024

Chennai – 600 009.

2. The State of Tamil Nadu,
Represented by its Secretary,
Environment and Forest Department.
3. The District Collector,
Salem District.
4. The District Revenue Officer,
Salem District.
5. The District Forest Officer,
District Forest Office,
Hasthampatti,
Salem District – 636 007.
6. The Forest Settlement Officer,
Athur, Salem District.
7. The Revenue Division Officer,
Suramangalam,
Salem – 636 005.
8. The Tahsildar,
Taluk Office,
Manakadu,
Salem District.
9. The Project Officer,
Scheduled Tribe Welfare Department,
District Collectorate Office,
Salem District.

P.T.ASHA, J.

rgm



WEB COPY



W.P.No.32702 of 2024

W.P.No.32702 of 2024
and
W.M.P.No.35536 of 2024

12.11.2024