



WEB COPY



W.P.No.26074 of 2018

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 22.08.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.26074 of 2018
and
W.M.P.No.34556 of 2023

C.Santhi (deceased)

A.Moorthy
(substituted vide order dt.22/8/24
in WMP.No.34556/23)

.. Petitioner

Vs

1.The District Forest Officer,
Tiruvannamalai South Division,
Tiruvannamalai – 606 601.

2.The Tahsildar,
Tiruvannamali Taluk,
Tiruvannamali.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus forbearing the first respondent and the officials claiming under him from interfering with the petitioner's peaceful possession and enjoyment of the property bearing Plot No.35, situate in Old Survey No.191/5, New Survey No.257/17, Vengikal Village, Tiruvannamalai Taluk, Tiruvannamalai District, measuring an extent of 1620 sq.ft.



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For Petitioner : Mr.P.Manojkumar
For R1 : Dr.T.Seenivasan, Spl.GP
For R2 : Mr.S.J.Mohamed Sathik, GA

ORDER

W.M.P.No.34556 of 2023 filed by one A.Moorthy, husband of the deceased petitioner (C.Santhi) who died on 16.03.2020, seeking to substitute him as petitioner, is ordered.

2. The writ petition has been filed forbearing the first respondent from interfering with the petitioner's peaceful possession and enjoyment of the property bearing Plot No.35, situate in Old Survey No.191/5, New Survey No.257/17, Vengikal Village, Tiruvannamalai Taluk, Tiruvannamalai District, measuring an extent of 1620 sq.ft.

3. The deceased petitioner had purchased the above said property through a registered sale deed dated 10.06.2009 bearing Document No.4739/2009. The deceased petitioner, who has been in peaceful possession and enjoyment of the said property, had also obtained patta in



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her name. The deceased petitioner also applied for sub-division and the revenue officials also inspected the said property for the purpose of survey. However, the first respondent/forest department came to the spot and objected for laying survey stone on the plot purchased by the deceased petitioner. Therefore, the petitioner was constrained to file this writ petition.

4. The first respondent filed a counter affidavit and on perusal of the counter affidavit, it is revealed that the land situated in Adi Annamalai Pachaiaimman Koil area, nearly 22 Ha., was occupied by the Forest Department in the year 1976 and the said forest area has been declared as reserve forest area as per Section 26 of the Forest Act, 1882. That apart, as per G.O.No.426, Forest Department, dated 25.04.1977, the lands in Poromboke or other Government waste lands, in which, Forest Department raised forest plantations, should not be transferred to the public either by the District Collector or by other authorities, without the concurrence of the Chief Conservator of Forests.



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5. Though the deceased petitioner was granted patta for the above said plot purchased by her, the District Collector, vide proceedings dated 18.04.2016, ordered to cancel the original allotment made in favour of one Krishnamoorthy in the field survey Nos.191/4 and 191/5. It is also to be noted that the assignment of the property purchased by the deceased petitioner situated at Old Survey No.191/5, was already cancelled by the District Collector vide proceedings dated 18.04.2016 and thereby ordered to cancel patta issued to the private individuals.

6. Therefore, in view of the above, the prayer sought for in this writ petition cannot be considered and accordingly, the writ petition is dismissed as devoid of any merit. No Costs. W.M.P.No.34556 of 2023 is ordered. W.M.P.No.30296 of 2018 is closed.

22.08.2024

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To

1.The District Forest Officer,
Tiruvannamalai South Division,
Tiruvannamalai – 606 601.

2.The Tahsildar,
Tiruvannamali Taluk,
Tiruvannamali.



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G.K.ILANTHIRAIYAN, J.

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