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W.P.No.9750 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

**Writ Petition No.9750 of 2019
and WMP Nos.10343 & 10345 of 2019**

- 1.Chinnu Muthappan
- 2.Chandran Gurunathan
- 3.Rajappan Munusamy
- 4.Sekar Chinnu
- 5.Paramasivam Andiappan
- 6.Perumal Madhaiyan
- 7.Balasubramanian Chinnu
- 8.Govindaraj Chinnathambi
- 9.Lakshmi Velu
- 10.Murugaiyan Manickam
- 11.Ponnusamy Venkatappan
- 12.Gurunathi Chandran
- 13.Lakshman Kungi
- 14.Rajammal Venkatappan
- 15.Ganesan Kunji Gounder
- 16.Raja Govinthan
- 17.Maruthiyammal Gurunathan
- 18.Saravanan Shanmugam



- 19.Nagammal Sanjeevan
- 20.Sambu Shanmugam
- 21.Parvathi Sivaraj
- 22.Ponnesan Samappan
- 23.Dhanabagyam
- 24.Muniraj Kuthappan
- 25.Thangavel Chinnapaiyan
- 26.Murugan Pothan
- 27.Ponnudsmay Munudsmay
- 38.Pachiammal Pothan
- 29.Sathasivam Karuppachetty
- 30.Madhappan Pasappan
- 31.Chinna Kannu Vellaiyan
- 32.Chinna Pothan Polli Gounder
- 33.Manikkam
- 34.Kullappa Madhu
- 35.Kittusamy
- 36.Vengudu Chinnappan
- 37.Subramani Muthu
- 38.Lakshmi Pushparaj
- 39.Sinthamani Sivan
- 40.Rani Murugan
- 41.Thirugnanasambandam Duraisamy
- 42.Murugesan Ponnappan
- 43.Pachiammal Madhaiyan
- 44.Yaja Paramasivam



45.Kala Muthu

46.Rajathi Perumal

47.Chinnaraj Lakshmappan

48.Rajamani Rajikhan

49.Govindaraj

50.Raj Muthappan

51.Mani Lakshman

.... Petitioners

.Vs.

1.The District Collector
Dharmapuri.

2.The Revenue Divisional Officer
Dharmapuri.

3.The Tahsildar
Palacode Taluk, Dharmapuri.

4.Forest Settlement Officer
Krishnagiri

5.The District Forest Officer
Dharmapuri.

.. Respondents

**(R4 – cause title amended vide Order
dt.02.07.2019 made in WMP No.11408/19
in WP.No.9750/19 by GJJ).**

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.137/1987/A dated 23.10.2015 on the file of the Fourth respondent, quash the same and direct the respondents 2 and 3 to issue Patta in pursuant to the orders in



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Proceeding No.362 of 2004 dated 16.9.2006 on the file of the fourth respondent.

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For Petitioners : Mr.R.Selvakumar

For Respondents : Mr.C.Selvaraj
Additional Government Pleade

ORDER

The writ petition has been filed by 51 petitioners in the nature of a Certiorarified Mandamus calling for records relating to the order in Na.Ka.137/1987/A dated 23.10.2015, on the file of the 4th respondent, the Forest Settlement Officer at Krishnagiri and quash the same and direct the 2nd and 3rd respondents, District Collector, Dharmapuri and Revenue Additional Officer, Dharmapuri, to issue patta in pursuant to earlier order dated 16.09.2006 in proceedings No.362 of 2004, also on the file of the 4th respondent.

2.In the affidavit filed in support of the writ petition, it had been stated that the writ petitioners are occupants of margin forest lands, known as Forest Poramboke lands in Seengadu Village in Palacode Taluk in Dharmapuri District. They had been in occupation and enjoyment and



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cultivation of an extent of 440.43 acres of land, out of a total extent of

178.31.5 hectares in Survey No.3 of Seengadu Village, Thirumalvadi via,

Dharmapuri District.

3.It is contended that they had converted the lands and are doing agricultural works for more than 60 years. It had been further stated that in 1986 the writ petitioners had approached the Tahsildar, Palacode in Dharmapuri District seeking patta. Since the lands had been classified as Poromboke, they were directed to approach the 3rd respondent who conducted field survey along with the 5th respondent. It was stated that it was the 4th respondent who has the power to delete the lands from the classification of forest Poromboke lands.

4.The 4th respondent, by proceedings dated 16.09.2006 in proceedings No.362 of 2004 had passed orders under Section 10 of the Tamil Nadu Forest Act, 1882 addressing the claim of the petitioners to

continue to be in occupation of the said lands. Recommendation was



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also issued to grant patta. In the said order of the 4th respondent dated 16.09.2006, it had been observed that the writ petitioners had been in occupation for a number of years and that they had converted the rocky soil into that of agricultural lands and are also doing cultivation.

5. Since no steps were taken to grant patta, the petitioners had given a further representation to the District Collector at Dharmapuri and to the Revenue Additional Officer at Dharmapuri. The said application had been again forwarded to the 4th respondent.

6.A new Officer had taken charge of the office of the 4th respondent. According to him, the order dated 23.10.2015 in Na.Ka.No.137/1987/A and the earlier order dated 16.9.2006 had been passed without considering all factors and therefore, he passed the impugned order rejecting the claim for patta.

7. There are two separate issues. One is claim to occupation and the other is the grant or otherwise of patta. The 4th respondent had rejected



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the claim of the petitioners to be granted patta. But however, the Preceding Officer had recommended for grant of patta. If there has got to be different views taken then the petitioners should have been put on notice. There is no indication that notice had been served on the petitioners and there is no indication that the earlier order in the year 2006 had been set aside by any higher official. That order still stands. A parallel order had been passed which is the impugned order. There cannot be two separate proceedings on the same subject.

8.The procedure required in law should be followed by providing opportunity to the petitioners of being heard and their objections being addressed and giving a response why the earlier order dated 06.9.2006 has to be set aside by the same officer. The right of the respondents to proceed afresh in the manner known to law is recognized. The impugned order is however set aside.

9.The Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.



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Index : Yes/No
NCS : Yes/No
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To

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2.The Revenue Divisional Officer
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3.The Tahsildar
Palacode Taluk, Dharmapuri.

4.Forest Settlement Officer
Krishnagiri

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C.V.KARTHIKEYAN.,J
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