



W.P(MD)No.281 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.281 of 2024

1.M.Sithika

2.V.Palaniyayee

3.V.Alagammal

4.A.Periyammal

..Petitioners

Vs

1.The Secretary,
Government of Tamil Nadu,
St.George Fort, Chennai.

2.The District Collector,
District Collector Campus,
Pudukkottai.

3.The Chief Conservator of Forest,
Office of the Chief Conservator of Forest,
Guindy – Vellachery Main Road,
Chennai.

4.The District Forest Officer,
District Forest Office,
Pudukkottai.

5.The District Revenue Officer,
Office of the District Revenue Officer,
Pudukkottai.



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6.The Revenue Divisional Officer,
Revenue Divisional Office,
Iluppur Taluk, Pudukkottai District.

7.The Thasildar,
Taluk Office,
Ponnamaravathi Taluk,
Pudukkottai District.

..Respondents

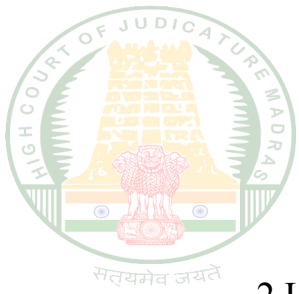
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd Respondent to issue free 2 acres of lands or collect the cost of lands from the Petitioner and issue patta in Survey No.845/1 to an extent of 3 Hectares and 28 Ares in Karaiyur village, Ponnamaravathi Taluk, Pudukkottai district in view of the representation of the petitioners dated 18.11.2019 and on 06.12.2023.

For Petitioners :Mr.D.Senthil

For Respondents :Mr.A.Kannan,
Addl. Government Pleader.

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the 2nd Respondent to issue free 2 acres of lands or collect the cost of lands from the Petitioner and issue patta in Survey No.845/1 to an extent of 3 Hectares and 28 Ares in Karaiyur village, Ponnamaravathi Taluk, Pudukkottai district in view of the representation of the petitioners dated 18.11.2019 and on 06.12.2023.



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2.Heard Mr.D.Senthil, learned counsel appearing for the petitioners, Mr.A.Kannan, learned Additional Government Pleader appearing for the respondents.

3.The learned counsel for the petitioners submitted that the petitioners are in possession and enjoyment of land to an extent of 3 Hectares and 28 Ares in S.No.845/1, Karaiyur Village, Ponnmaravathi Taluk, Pudukkottai District for more than 20 years. The petitioners are doing agricultural works in the said lands. The lands were originally classified as “forest” and later it was classified as “Semapathukappu Vanam”. The fourth respondent dispossessed them without any prior notice. The Government vide G.O.(Ms)No.241 dated 12.09.2006 introduced a scheme for poor farmers stating that each former is entitled to 2 acres of land at free of costs. Though the petitioners are eligible for the same, they requested the fourth respondent to offer land at their costs. However, it has not been considered. Therefore, the petitioners sent several representations before the respondents. No action was taken thereon. So, the petitioners left with no other option, filed the present writ petition. The learned counsel for the petitioners would submit that the petitioners' case has to be considered in one way or the other. They could be given any other land in the same survey number.



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4.The respondents filed counter affidavit and the learned Additional Government Pleader took me through the same. He submitted that the total extent of land is 548.83 Acres or 222.11 Hectares of Manakkorai Forest Block and it is declared as “reserved forest” under Section 16 of Tamil Nadu Forest Act, 1882 vide Letter No.37208/FR XIV/93-12 dated 01.03.1996 in the year 1996 itself. According to him, the same was leased to Tamil Nadu Forest Plantation Corporation Limited (TAFCON). As per Section 2 of the Forest (Conservation) Act, 1980, if any forest land is used for non-forest purpose, the State Government should get prior approval from the Central Government and the State Government cannot pass any order violating the said provision. G.O.(Ms) No.241 dated 12.09.2006 is not applicable for forest land. Hence, the petitioners cannot claim any assignment patta over the said land. He prayed this Court to dismiss the writ petition.

5.On considering the aforesaid claim made by the petitioners and the counter filed by the respondents, it is seen that the said land has been classified as “reserved forest” in the year 1996 itself vide Letter No.37208/FR XIV/93-12 and the revenue record also mutated accordingly. The petitioners have not lifted their fingers for approaching the authorities till date. After lapse of



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several years, merely sending representation is not of no use. Since the land in question has been converted as “reserve forest” and the same has been handed over to TAFCON for further development, the petitioners have got no right to make a claim that they are entitled for assignment patta. There is no merit in the petitioners' claim and the writ petition deserves to be dismissed. If at all the petitioners are aggrieved, it is left open to them to approach the competent authority to seek for another allotment of land.

6.This writ petition is dismissed accordingly. No costs.

07.02.2024

NCC : Yes/No
Index : Yes/No
Internet :Yes/No
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