



W.P.(MD) No.6392 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.6392 of 2023
and
W.M.P.(MD)Nos.6048 and 6049 of 2023**

Jeyachandara

... Petitioner

-VS-

1.The District Collector,
Karur District, Karur.

2.The Revenue Divisional Officer,
Kulithalai, Karur District.

3.The Forest Ranger,
Rajendran Forest Block,
Karur Forest Range, Karur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the third respondent in Na.Ka.No.184/2022, dated 11.03.2023 and quash the same.

For Petitioner
For Respondents

: Mr.P.T.Ramesh Raja
: Mr.R.Baskaran,
Additional Advocate General
Assisted by
Mr.P.T.Thiraviyam,
Government Advocate



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ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.R.Baskaran, learned Additional Advocate General, for Mr.P.T.Thiraviyam, learned Government Advocate, takes notice for the respondents.

2.The order under challenge is one, directing eviction of the petitioner from the land, which has been classified as reserved forest. Claiming that the land in question situated in Survey No.348 of Rajendram Village, Karur District is forest land, the Forest Department launched eviction proceedings, which culminated in the order dated 11.03.2023.

3.The learned counsel for the petitioner would invite us to certain proceedings of the District Collector, Karur, to contend that the lands in question has been classified as cremation ground and not as reserved forest. Those proceedings are of very recent origin and are dated 30.09.2022. The publication in the Fort St. George Gazette, dated 21.02.1962, shows that an area of 80.91 Acres was declared to be a reserved forest. Once the land is declared as reserved forest, the Revenue Authorities do not have any control or right over it. It will vest in the Forest Department. The District Collector or any other revenue Officer cannot pass orders either re-classifying or de-



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classifying the said land. Though there is an order by the District Collector dated 30.09.2022, giving certain recommendations in respect of assignment of the land, the same cannot be implemented, as the land is not under the control of the Revenue Department. The order impugned in the Writ Petition namely, eviction order itself shows that the claim of the father of the petitioner made before the Forest Officials was rejected and were treated as encroachers. This being the position, the Forest Department cannot be faulted for having issued notice, seeking eviction of the petitioner.

4.Mr.R.Baskaran, learned Additional Advocate General appearing for the respondents would also draw our attention to the proceedings of the District Revenue Officer, Karur, with a direction to the rectify the entries in the revenue records showing the land in Survey No.348/1 and 3 as Rajendram reserved forest.

5.In the light of the above, we do not think that we can interfere with the eviction proceedings under Article 226 of Constitution of India. The Writ Petition therefore, fails and is accordingly, dismissed. It will be open to the petitioner to seek assignment/allotment of any other Government land that may be available from the Revenue Department. But eviction will not



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depend on such allotment or assignment. No Costs. Consequently,
connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

16.10.2024

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

To

- 1.The District Collector,
Tenkasi District, Tenkasi.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thoothukudi.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Courtallam, Tirunelveli District.
- 4.The Tahsildar,
Alangulam,
Tenkasi District.



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

Mrn

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