



W.P.No.32820 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.32820 of 2015

and

M.P.No.1 of 2015

K.Prabhakaran

...Petitioner

-Vs-

- 1.The District Forest Officer,
Indhilly,
Ulagankathan Post,
Kallakurichi.
- 2.The Principal Chief Conservator of Forest,
Panagal Maligai,
Saidapet,
Chennai – 600 015.
- 3.The District Collector,
Villupuram District.
- 4.The Tahsildar,
Sankarapuram Taluk,
Villupuram District.
- 5.The Assistant Director,
(Survey and Land Records),
Villupuram District.



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6.The Principal Secretary and
Commissioner of Land Administration,
Chepauk, Chennai – 600 005.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the first respondent to implement the communication of the petitioner dated 23.03.2015 and pass such further orders.

For Petitioner	:	Mr.D.Manimaran
For R1 & R2	:	Mr.S.Rajesh Government Advocate
For R3 to R6	:	Mr.V.Veeramani Government Advocate

ORDER

This writ petition has been filed to direct the first respondent to implement the communication of the petitioner dated 23.03.2015.

2. The case of the Petitioner is that the land under Survey No.81/9 in Sankarapuram District, at the outreach of Chitheripattu Village, belongs to the Petitioner and his predecessors were in continuous possession without any interruption for more than 50 years.



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3. The grievance of the Petitioner is that the above said patta land has been encroached by the forest officials by planting eucalyptus saplings.

Besides encroaching on the said land, the forest officials have banished the Petitioner from his property, stating that the above said land belongs to the forest department.

4. The Respondents authorities measured the boundaries of the schedule mentioned in the patta property and the boundaries of the forest area neighboring it in Survey No.81 based on the Village Revenue Record after prior intimation on 12.09.2013. The Revenue District Officer, in his turn, by his letter dated 04.02.2014, forwarded the same to the first respondent/District Forest Officer, in pursuance of which the third, fourth and fifth respondents did not take any action and have not handed over the encroached land to the petitioner herein.

5. Eventually the Sub-Taluk land Surveyor and Village Administrative officer submitted a report on the same day to the respondents that the land under the Survey No.81, admeasuring 10.91.5 hectares (i.e., 27 acres) belongs to the Revenue Department and on no account to the Forest



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Department. However, the land was not returned to the Petitioner. Therefore, the Petitioner approached the third respondent/The District Collector and gave a complaint. Consequently, the District Collector, through Na.Ka.AA.10/34123/13 on 03.04.2014, ordered the Sankarapuram Tahsildar to enquire about the encroachment made by the forest officials in land under Survey Nos.81/1 to 11. Accordingly, the Sankarapuram Tahsildar scrutinized his documents relating to the said land and submitted their report stating that the land under survey numbers 81/2,3,4,5,7,8,9,10 and 11 belonged to the Patta holder, i.e., to the Petitioner and the same was forwarded to the District Collector.

6. Learned counsel appearing for the petitioner would submit that the District Collector sent a letter to the respondents vide Na.Ka.AA.10/34123/13 on 03.12.2014 to take action regarding the Petitioner's grievance. The Petitioner made a representation dated 23.03.2015, and the same was not considered by the Respondents till date. Aggrieved by the same, the Petitioner has filed the present Writ Petition.

7. Learned Government Advocate appearing for respondents 1 and 2



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would submit that records are not available since the Villupuram District has been bifurcated. He would further submit that the petitioner may be directed to submit a fresh representation to respondents 1, 3 and 4 along with the relevant documents.

8. Heard both sides and perused the materials available on record.

9. Without going into the merits of the case, this Court is inclined to pass the following directions:

- a) The petitioner is directed to submit a fresh representation to respondents 1, 3 and 4 along with the relevant documents within a period of two weeks from the date of receipt of a copy of this order.**
- b) On receipt of the same, respondents 1, 3 and 4 shall give due notice to the petitioner as well as interested parties, opportunity of personal hearing, and a joint survey of the land in the presence of the petitioner and officials of the Revenue Department and Forest Department within a period of eight weeks thereof.**



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J.SATHYA NARAYANA PRASAD, J.

In the result, the writ petition stands disposed of with the above

observations and direction. No costs.

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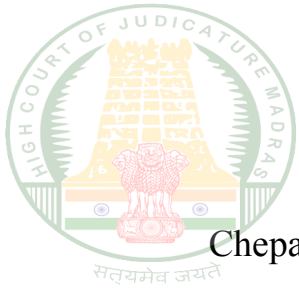
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Index : Yes/No

Speaking/Non Speaking order

To

- 1.The District Forest Officer,
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