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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.26584 of 2017

A.Gangadharan

.. Petitioner

Vs.

1.The District Collector of Salem District,
Collectorate, Salem District.

2.The District Forest Settlement Officer,
Salem.

3.The Forest Settlement Officer,
Attur, Salem District.

4.The Tashildar,
Attur, Salem District.

5.Rathinam

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to implement the letter dated 14.05.2014 made in Na.Ka.N.19/76/A by conducting enquiry and allot the lands admeasuring an extent of 1.19.00 hectares comprised in Survey No.1 in Neyyamalai Village, Attur Taluk, Salem District in the name of the petitioner.



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For Petitioner	.. Mr.T.Dhanasekaran
For R1 to R4	.. Mr.S.Rajesh, Govt. Advocate
For R5	.. No appearance

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction to the 3rd respondent, Forest Settlement Officer to implement the letter dated 14.05.2014 in Na.Ka.No.19/76/A by conducting an enquiry by allotting the lands measuring 1.19.00 hectares in Survey No.1 at Neyyamalai Village, Attur Taluk, Salem District, in the name of the petitioner. This Writ Petition has been pending for the past 7 years.

2.In the affidavit filed in support of the Writ Petition, it had been stated that the petitioner is in possession and enjoyment of the aforementioned land and his family had been cultivating the land for several decades. The petitioner has no other land. He has also been paying taxes in what is called B-Memo. It had been stated that he had developed the land. He had also made an application to declassify the land from Reserve Forest Area. He had also given a representation to allot the land to him.



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3.A decision in this regard will have to be taken only by the 3rd respondent. Let a fresh representation be given by the petitioner, since there is a strong possibility that the representation earlier given seven years back would not be available in the office of the 3rd respondent. A fresh representation may be given on or before 07.02.2025 and on receipt of such representation, the 3rd respondent may examine the revenue records, the classification of the lands and also come to a subjective satisfaction whether the lands had been reserved as forest lands and whether in spite of such reservation, it could be allotted to an individual and also whether alternate lands can be given to the petitioner and all other factors and then take a decision. The petitioner may also be issued with notice and encouraged to participate in the discussion. The entire process may be completed within a period of eight weeks from the date of receipt of the representation from the petitioner herein.

4. With the above observations, this Writ Petition stands disposed of.

No costs.

10.01.2025

Index: Yes/No



Internet: Yes/No

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C.V.KARTHIKEYAN,J.

smv

To

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Collectorate, Salem District.
- 2.The District Forest Settlement Officer,
Salem.
- 3.The Forest Settlement Officer,
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- 4.The Tashildar,
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