



W.P.No.2779 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.2779 of 2025
and
W.M.P. No.3107 of 2025 in W.P. No.2779 of 2025

N.Yuvakumar

... Petitioner

Vs.

1.The Collector,
Vellore District,
Vellore.

2.The Revenue Divisional Officer,
Gudiyatham Division,
Gudiyatham, Vellore District.

3.The Tashildar,
Gudiyatham Taluk,
Vellore District.

4.The District Forest Officer,
Vellore Forest Division,
Vellore – 9.

5.The Forest Range Officer,
Gudiyatham, Gudiyatham Taluk,
Vellore District.

... Respondents

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Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent in proceedings Na.Ka.B3/E-991087/2023 dated 28.08.2024, quash the same and consequently direct the respondents to give a patta to the newly constructed house in S.No.253 (part) and 254 in K.Mottur Village, Vellore District.

For Petitioner : Mr.S.N.Subramani

For Respondents : Mr.T.K.Saravanan,
Government Advocate
for R1 to R3
Dr.T.Seenivasan,
Special Government Pleader
for R4 and R5

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Subject matter of captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity) is a 'land comprised in Survey No.254, Kallappadi Village, Gudiyatham Taluk, Vellore District' (hereinafter 'said land' for the sake of convenience and clarity).

2. Mr.S.N.Subramani, learned counsel for writ petitioner submitted that the writ petitioner had given a representation dated 22.06.2023 with a prayer to give patta in the light of construction put



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up by him in said land or alternatively take his 'patta lands in Survey Nos. 253/5 and 253/4G in Kallappadi Village, Gudiyatham Taluk, Vellore District' (hereinafter 'private lands' for the sake of convenience and clarity) in lieu of construction put up by him in said land.

3. Learned counsel for writ petitioner submits that representation dated 22.06.2023 was given and another Hon'ble Division Bench vide order dated 07.07.2023 in W.P. No.20064 of 2023 directed R1 (District Collector, Vellore) to take a decision on the representation within a time frame of nine months. Thereafter, R1 took up the aforementioned representation and passed an 'order dated 28.08.2024 bearing reference Na.Ka.B3/E-991087/2023' (hereinafter 'impugned order' for the sake of convenience and clarity) negating the writ petitioner's representation. Assailing the impugned order, the writ petitioner has filed captioned main WP.

4. Learned counsel for writ petitioner submits that writ petitioner is a Serviceman and he is entitled to assignment under Revenue Standing Order 15 (24).



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5. Issue notice to respondents.

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6. Mr. T.K.Saravanan, learned Government Advocate accepts notice for R1 to R3 and Dr.T.Seenivasan, learned Special Government Pleader accepts notice for R4 and R5.

7. Mr.T.K.Saravanan, learned State counsel for R1 to R3 submitted that the impugned order has been made after due enquiry and after giving an opportunity to the writ petitioner and the writ petitioner's request was rejected as said land is forest land.

8. Learned State counsel for R4 and R5 submitted that there is no provision for assigning forest land and on the request of R1, R5 has sent a communication dated 13.06.2024 bearing reference Na.Ka.No.2492/23/1 making it clear that said land is forest land.

9. Owing to the limited scope of the captioned main WP, main WP was taken up in the Admission Board with the consent of learned counsel on both sides.



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10. We carefully perused the case file in the light of the submissions made before us. We find that Revenue Standing Order 15 (24) talks about ex-servicemen.

11. Learned counsel for writ petitioner relied on **Mariammal's** case (*T.Mariammal Vs. The Government of Tamil Nadu*) being order dated 28.08.2012 in W.P(MD) No.14125 of 2010 to say that it would apply to servicemen as well. To be noted, writ petitioner is now serving.

12. A careful perusal of the impugned order brings to light that R1, acting pursuant to order of this Court dated 07.07.2023 in W.P.No.20064 of 2023, has given a personal hearing to the writ petitioner, the writ petitioner has appeared before R1 and has reiterated the aforementioned representation. Likewise, as pointed out by the learned State counsel for R4 and R5, R1 has sought for details from R5 and after considering the written stated position of R5, R1 has come to the conclusion that forest land cannot be assigned.



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13. From a careful perusal of the impugned order, it comes to light that the writ petitioner has not even pressed into service Revenue Standing Order 15 (24) before R1 but nonetheless as learned counsel brought it to our notice, we considered the same. We find that the possession of forest land cannot be assigned is indisputable. Therefore, Revenue Standing Order 15 (24) does not come to the aid of writ petitioner. In this view of matter, we have no hesitation in saying that there is no infirmity in the impugned order made by R1. Absent Revenue Standing Order 15 (24), the writ petitioner does not have a case.

14. Ergo, sequitur is, captioned WP fails and same is dismissed. Consequently, captioned Writ Miscellaneous Petition (WMP) thereat is also dismissed. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
03.02.2025

Index : Yes / No
Neutral Citation : Yes / No
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K.GOVINDARAJAN THILAKAVADI, J.,**

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