



WEB COPY

W.P.No. 1934 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER
KUMAR

W.P.No. 1934 of 2011
and
M.P.No.1 of 2011

- 1.Perumal
- 2.Vellalyan
- 3.Palanisamy
- 4.Govindan

.. Petitioners

VS

- 1.The District Collector
Salem District,
Salem.
- 2.The District Welfare Officer,
Tribes, Salem.
- 3.The Revenue Divisional Officer,
Attur, Salem District.
- 4.The Divisional Forest Officer,
Attur, Salem District.
- 5.The Tahsildar,
Attur, Salem District.

.. Respondents



W.P.No. 1934 of 2011

Prayer : Writ Petition filed under Article 226 of the Constitution of India

praying to issue a writ of mandamus forbearing the respondents from anyway interfering with the peaceful possession and enjoyment of lands of the petitioners family comprised in Survey No.1 of Pudur Village, Chinna Kalrayan Vadakku Panchayat, Attur Taluk, Salem District.

For Petitioners : Mr.K.Sakthivel

For Respondents : Mr.G.Ameedius
Government Advocate

ORDER

(Made by Dr. ANITA SUMANTH.,J)

The prayer in this writ petition filed by four individuals is for a mandamus forbearing the respondents from interfering in any way with the peaceful possession and enjoyment of lands in Survey No.1 of Pudur Village, Chinna Kalrayan Vadakku Panchayat, Attur Taluk, Salem District. (lands / lands in question / subject lands)

2. The averments of the petitioners represented by Mr.K.Sakthivel are that the petitioners are members of various tribes and in occupation of the subject lands for several generations. In the writ affidavit, they refer to proceedings initiated under Section 4 of the Tamil Nadu Forest Act, 1982 (Act) for declaration of the Kalrayan hills, including the subject lands as reserved forest.



W.P.No. 1934 of 2011

3. Notice was also admittedly issued under Section 4 of the Act which is the trigger for action to be taken by the forest department for declaration or issuance of a proclamation under the Act specifying the situation and limit of the land proposed to be included in the ambit of reserved forest. The petitioners proceed on the basis that post issuance of Section 4 notice no other action has been taken and hence they seek a mandamus as prayed for.

4. The fourth respondent i.e., the District Forest Officer has filed counter as early as on 30.03.2011. They state therein that the provisions of the Act have been applied in the present case and the Forest Settlement Officer has considered the claim of the petitioners and rejected the same after a detailed individual enquiry and field visit. The relevant portion of the counter is extracted below:-

“6. It is submitted that under the provisions of the Tamil Nadu Forest Act, the Forest Settlement Officer had already rejected the claims of the petitioners 1,3 and 4 after detailed field visit and individual enquiry. The petitioner 2 did not submit any claim and hence the question of considering his legal occupation does not arise. In such conditions, all the four petitioners have no right or occupation in the notified Reserved Land. Hence, the question of consider their request under the provisions of the recently enacted Forest Rights Act, 2006 does not arise.

7. It is submitted that after the confirmation of the fact that the petitioners have no right over any area



W.P.No. 1934 of 2011

notified under Section 16 in Chinnakalrayan Vadakku Nadu vide G.O.No.22 dated 28.08.2007, the petitioners repeatedly indulged in encroaching the said land. The unlawful action of the petitioners was not allowed by the field staff of the department. The Ranger, Kalrayan has also filed a case for the offences under Tamil Nadu Forest Act, 1882 and Hill Area (Preservation of Trees) Act, 1955 on 30.08.2010 and legal action was carried out to arrest the offender as per the provisions of the Act. The action of the Ranger is lawful.

8. It is submitted that the area claimed by the petitioners is Reserved Forest Area as per Government Order No.22, dated 28.08.2007 and the petitioners have no right over the area. Any attempt to indulge in new occupation is an offence as per the provisions of the Tamil Nadu Forest Act under such circumstances the Honorable Lordship may be pleased to reject the claim of the petitioners and render justice to protect the Forest lands and their ecology for the betterment of the nation.”

5. A compilation has been filed dated 01.08.2011, wherein Notification dated 15.03.2007 issued under Section 16 of Forest Act declaring various portions of the Kalrayan hills, including the subject lands as part of the reserved forest, has also been produced. Notification dated 15.03.2007 has not been challenged by the petitioners till date. That apart, no rejoinder has been filed, and the contents of the counter have not been controverted.

6. In such circumstances, we find no cause to intervene, and certainly cannot issue a mandamus as prayed for. It is for the petitioners



W.P.No. 1934 of 2011

to have taken appropriate action if they were so inclined, by challenging the Notification, which they have chosen not to do.

7. This writ petition is dismissed in terms of this order. No costs.

Connected miscellaneous petition is closed.

[A.S.M, J.] [M.S.K, J.]
07.01.2026

Index: Yes/No
Neutral Citation: Yes
ssm

To

1. The District Collector
Salem District,
Salem.
2. The District Welfare Officer,
Tribes, Salem.
3. The Revenue Divisional Officer,
Attur, Salem District.
4. The Divisional Forest Officer,
Attur,
Salem District.
5. The Tahsildar,
Attur,
Salem District.



WEB COPY



W.P.No. 1934 of 2011

DR. ANITA SUMANTH,J.
and
MUMMINENI SUDHEER KUMAR,J.

ssm

W.P.No. 1934 of 2011

07.01.2026