



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**W.P No. 7109 of 2018
and WMP.No.8806 of 2018**

K.Thanigajalam,
S/o.Krishna Pillai, Hindu aged about 49 yrs.,
residing at Rangapuram Village, Banavaram Post,
Nemili Taluk., Vellore District.

..Petitioner(s)

Vs

1. The District Collector,
Vellore District, Vellore.
2. The Revenue Divisional Officer
O/o. The Revenue Divisional Office,
Ranipet, Vellore District.
3. The Tahsildar,
Wallajah Taluk, Vellore District.
4. The Divisional Forest Officer,
Social Forest Division, Vellore District.
5. The Forest Ranger,
Arakonam Social Forest Circle,
Ammoor, Wallajah Taluk,
Vellore District.

..Respondent(s)

Writ Petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Certiorari to call for the records pertaining to the issue of the order in Proceedings Na.Ka.No.6052 /14/KU dated 01.02.2018 by the Divisional Forest Officer, Social Forest Division, Vellore District, the 4th Respondent herein and quash the same.



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WP No. 7109 of 2



For Petitioner:

Mr.D.Ashok Kumar

For Respondents:

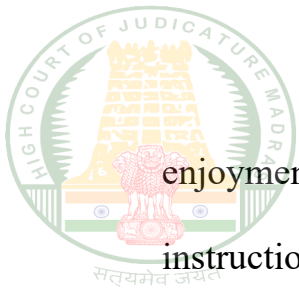
Mr.C.Prabakaran
Government Counsel

ORDER

This Writ Petition has been filed challenging the order of the 4th respondent dated 01.02.2018 and to quash the same.

2. The case of the petitioner is that the lands in question are patta lands and said lands were assigned in favour of the petitioner's vendor viz., Amudha on 01.06.2004 and thereafter the said Amudha sold the property in favour of the petitioner vide sale deed dated 10.06.2014. Thereafter, the petitioner is possession and enjoyment of the same. The petitioner made an application before the 4th respondent seeking permission for removal of the Eucalyptus trees in the said land. However, the same was rejected vide impugned order dated 01.02.2018 on the ground that the trees have been nurtured by the forest Department and the patta in connection with the said lands had been issued wrongly. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that the lands in question are patta lands and the forest department has no role or say in the matter as the said lands are enjoyed by the petitioner right from the date of his acquirement and prior to that the said lands have been in possession and



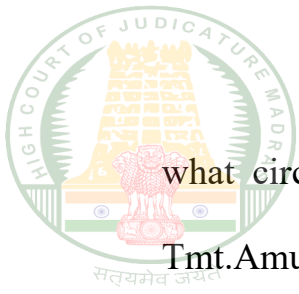
enjoyment of the erstwhile vendor. The learned counsel for the petitioner on instructions would submit that the petitioner is ready to handover the trees to the forest department and the title of the said lands in favour of the petitioner shall not be disturbed.

4. The learned Government counsel by reiterating the averments made in the counter affidavit would submit that in the DC forest lands in Govindacherry Kupparam and Govindacherry Villages, Wallajah Taluk is about an extent of 180 Hectares , Achan Red Sander, Tamarind and Eucalyptus Sapling had been planted from 1963 to 1967 by the forest department and maintained by the department when the usufructs of Tamarind trees and other trees were sold in auction during 1985-1986, a sum of Rs.79,968/- was fetched as revenue to Government and in the year 1986-1987, a sum of Rs.59,135/- was derived out of his sum equivalent to 60% thereof was given to Govindacherry Village Panchayat. All these plants were raised during 1963,1965,1966 and 1967 years. As per Government Order No.426, F & F Department dated 25.04.1977 poromboke or other Government waste lands in which the Forest Department has raised Forest Plantations should not be transferred by the Collector or other authorities without the concurrence of the Chief Conservator of Forests in future but no details are available in the office of these respondents.

4.1. Further he would submit that since the year 1966, Eucalyptus plants



were raised in turn thrice in this area, in order to prevent encroachment of poromboke by strangers and third parties and Eucalyptus plants were planted during 1996-1997 also in about 30 Hectares and the Forest Department has been maintaining this till date. He further submitted that during 1996-97 the then Tahsildar, Wallajah, issued patta in favour of one Tmt.R.Amudha W/o/.C.Ravi on 01.06.2004 for an extent of 2.52 acres coming within S.No.4/1 Govindacherry Village without the knowledge and consent of the Forest Department who had raised plantations in this area. Tmt.Amudha had sold the said extent of 2.052 Acres in S.No.4/1, Govindacherry Village to the the petitioner without the knowledge of the Forest Department (vide Sale Deed dated 10.06.2014). He further contended that till date the Eucalyptus trees planted in 1996-97 are being maintained by the forest department and in order to prevent encroachment, the trees have not been cut and removed for sale. He further contended that from the year 1963 onwards, Eucalyptus and other saplings planted in this area is being preserved and maintained by the Forest Department and the petitioner herein also has got patta transferred in his name in respect of 2.52 acres of land in S.No.4/1(1.02 Hectares) and the revenue authorities have also issued patta transferred in his name without reference to the respondents 4 and 5 herein, who have been maintaining plantations in this area from 1996-1997 onwards and there are grown up Eucalyptus trees therein. The said land has been classified as "Anadheenam" in the village 'A' Register over which, no private individual can put forth any claim. It is not known under

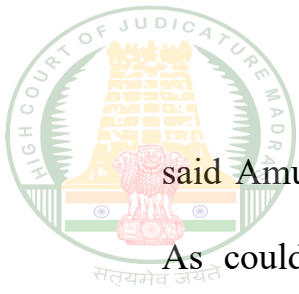


what circumstances patta was issued to Tmt.Amudha in the year 2014 and Tmt.Amudha suppressed the fact of plantations grown in the above land in S.No.4/1 by the Forest Department and the existence of Eucalypus trees thereon at the time of selling the same to the petitioner herein and the Revenue Department has also transferred the patta in his name on the basis of the registered Sale Deed and the Revenue Authorities without reference to the ground realities have transferred the patta in his name.

4.2. Further he would submit that the 4th respondent vide the order impugned herein had informed the petitioner that the Revenue Department had issued patta on 01.06.2004 by mistake in respect of S.No.4/1 on which the Forest Department had raised plantation in the year 1996-97 and have been maintaining the same till date. It is further sated that the action is being taken by contacting the 2nd respondent to cancel the Patta issued on 01.06.2004 and as such the petitioner is not entitled for any relief as sought in this Writ Petition. He therefore prays for dismissal of this Writ Petition.

5. I have given due consideration to the submission made by the learned counsel appearing on either side and perused the records.

6. A perusal of the records clearly shows that the subject land was assigned to the petitioner's vendor viz., Amudha on 01.06.2004. Thereafter the



said Amudha alienated the property in favour of the petitioner on 10.06.2014.

As could be seen from the stand taken by the respondent in the counter affidavit, the lands are claimed to be 'Anadheenam' lands as is shown in the 'A' Register and further the fact that the respondents 4 and 5 have been cultivating eucalyptus trees in the said lands since 1963, however, till date, no steps have been taken by the respondents to seek for patta. Further, inspite of the fact that the respondents have gained knowledge that assignment patta has been granted to one Amudha, viz., the petitioner's vendor in the year 2006, however, no action has been taken by the respondents to have the said patta cancelled and also seek for patta in their name. Merely because the respondents have been growing eucalyptus trees in the land, which is the subject matter of this writ petition, the respondents cannot claim any right over the said property when the lands have been under the use and occupation of the petitioner's vendor even prior to the year 2006 when the lands have been granted patta and that it had come to the possession of the petitioner in the year 2014. The respondents having kept silent for more than two decades, now cannot come and claim that the patta granted to the petitioner should be cancelled as the silence of the respondents cannot be a ground to cancel the patta granted to the petitioner's vendor and, thereafter, to the petitioner.

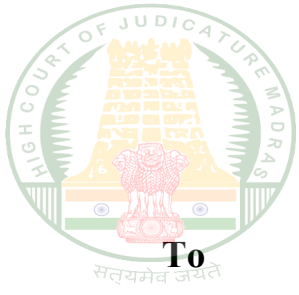


7. In such view of the matter, the petitioner is directed to handover the trees to the forest Department for necessary action and the forest Department is not entitled to question the title of the subject land.

8. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

04-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

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WP No. 7109 of 2



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WP No. 7109 of 2





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