



W.P.(MD) No.25552 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.25552 of 2024

K.Lakshmanaperumal

.. Petitioner

Vs.

1.The District Collector,
Dindigul,
Dindigul District.

2.The District Revenue Officer,
O/o. The District Revenue Office,
Dindigul, Dindigul District.

3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Dindigul, Dindigul District.

4.The Tahsildar,
O/o. The Tahsildar Office,
Dindigul East, Dindigul District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the fourth respondent to issue patta in favour of the petitioner in respect of Survey No.695/Part to an extent of 15 Acres and 65 Cents situated at Sirumalai



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Village, Dindigul East Taluk, Dindigul District in the light of Judgment dated 06.12.1985 made in CMA.No.20 of 1985 on the file of the District Court, Dindigul and in the light of G.O.Ms.No.84, Environment Climate Change-Forest (FR.14) Department dated 02.05.2022 and by considering the petitioner's representations dated 30.05.2023 and 05.06.2023 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar

For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

The petitioner has filed this writ petition for a mandamus to the fourth respondent to issue patta in his favour in respect of Survey No. 695/Part to an extent of 15 Acres and 65 Cents situate at Sirumalai Village, Dindigul East Taluk, Dindigul District in the light of the Judgment dated 06.12.1985 made in CMA.No.20 of 1985 on the file of the District Court, Dindigul and in the light of G.O.Ms.No.84, Environment Climate Change-Forest (FR.14) Department, dated 02.05.2022 and by considering the petitioner's representations dated 30.05.2023 and 05.06.2023.



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2. The petitioner's predecessors in title had established their right to the property comprised in S.No.695/Part to an extent of 15 Acres and 65 Cents situate at Sirumalai Village, Dindigul East Taluk, Dindigul by cultivating banana, lemon, coffee and other trees and in which lands, the petitioner is now in possession. A preliminary notification under Section 4 of the Tamil Nadu Forest Act, 1882 (hereinafter called “the Forest Act”) for constituting Sirumalai West Forest Block-1 to an extent of 22204.49 Acres was approved by the Government and was also published in the Government Gazette on 31.08.1977. Since the notice included the petitioner's patta land, he has petitioned the Forest Settlement Officer, Dindigul *vide* Claim No.14/78 seeking the deletion of the aforesaid lands. This was rejected by the Forest Settlement Officer by his order dated 07.09.1979. Thereafter, the petitioner had preferred an appeal to the District Judge, Madurai North in C.M.A.No.90 of 1982, which was allowed by order dated 06.10.1982 with a direction to the Forest Settlement Officer to consider afresh the issue. After considering the issue, the Forest Settlement Officer passed an order dated 30.04.1985 excluding the aforesaid lands from the area notified under Section 4 of



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the Act for the Constitution of the proposed Sirumalai West Forest Block-1. The District Forest Officer filed an appeal in C.M.A.No.20 of 1985 before the District Court, Dindigul and the same was dismissed by order dated 06.12.1985 confirming the order passed by the Forest Settlement Officer. In pursuance of the above, the Special Tahsildar/Forest Settlement Officer by proceedings dated 29.10.2010 had sent a proposal to the Principal Chief Conservator of Forests, Chennai for approving the draft notification under Section 16 of the Act. A rectified revised proposal was also submitted by the Special Tahsildar/Forest Settlement Officer by his proceedings dated 13.02.2017 excluding the petitioner's land, which was approved and based on this revised proposal, the Additional Chief Secretary to Government, Environment, Climate Change and Forests Department by proceedings dated 02.05.2022 declared the area and boundaries situate in Sirumalai West Forest Block-1 as Reserve Forest with effect from 08.06.2022 and the land of the petitioner was excluded and as such, the petitioner was declared as the absolute owner of the property. Therefore, the petitioner is entitled to patta.



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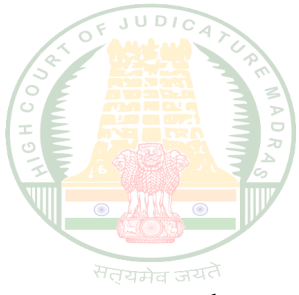
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3. Learned counsel for the petitioner would submit that after the order of the Forest Settlement Officer, dated 30.04.1985 and the order of the District Judge, Dindigul in C.M.A.No.20 of 1985, the authorities are bound to issue patta, as the petitioner's right to the property has been confirmed. Despite the petitioner's several representations for the issue of the patta, the same has not been considered. The first such representation was made on 24.11.2022. Therefore, the petitioner is before this Court.

4. The learned Government Advocate would submit that the respondents will have to examine the documents and assess the rights of the petitioner and thereafter, issue patta.

5. Heard the learned counsel on either side.

6. The stand taken by the respondents cannot be countenanced for the simple reason that the petitioner's right to the property in question has



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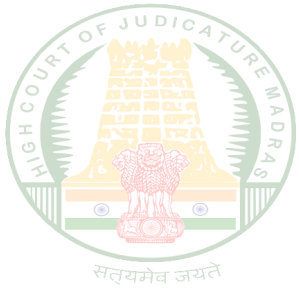
been affirmed twice both by the Forest Settlement Officer and the civil Court. The Forest Settlement Officer, who is the interested party, having himself excluded the property in question from the area notified under Section 4 of the Act for the constitution of the proposed Sirumalai West Forest Block, the revenue authorities cannot try to place obstacles. Therefore, this Writ Petition is allowed and a mandamus is issued to the fourth respondent to issue patta to the petitioner on or before 18.11.2024. No costs.

7. Post this matter 'for reporting compliance' on 19.11.2024.

28.10.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

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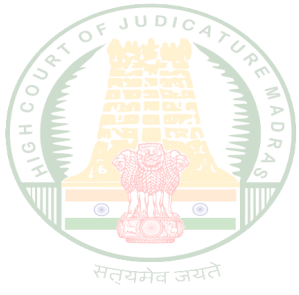


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P.T.ASHA, J.

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