

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Transfer Case (Civil) No(s). 39/2015

V. SAMBASIVAM

Petitioner(s)

VERSUS

GOVERNMENT OF INDIA & ORS.

Respondent(s)

(with appln. (s) for impleadment as party respondent and for permission to issue Patta)

WITH SLP(C)....CC No. 11408-09 of 2009

Date : 01/02/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s)

Mr. Ashok Kumar Singh, Adv.

For Respondent(s)

State of TN

Mr. M. Yogesh Kanna, Adv.
Mr. M.K. Subramaniam, Adv.Mr. P.S. Narsimha, ASG
Mr. K. Radhakrishnan, Sr. Adv.
Mr. Ranjeet Kumar, Adv.
Ms. Aishwarya Bhati, Adv.
Mr. Ashok Panigrahi, Adv.
Mr. K. Parmeshwar, Adv.
Mr. Adarsh Kumar Tiwari, Adv.
Mr. T. Gopal, Adv.For Mr. Neeraj Kr. Sharma, Adv.
Mr. D. S. Mahra, Adv.Mr. Trideep Pais, Adv.
Mr. Nikhil Nayyar, Adv.

Mr. Naresh Kumar, Adv.

Mr. S. Ravi Shankar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

IA No. 2 of 2015 in T.C.(C) No. 39 of 2015

IA no. 2 has been filed with the prayer as follows:-

"a) Permit/allow the State of Tamil nadu to issue patta, community rights to the claimants approved by the Grama Sabha and District Level Committee and

b) pass such other orders as deems fit in the interest of justice."

The background is that the Scheduled Tribes and Other Traditional Forest Dwellers(Recognition of Forest Rights) Act, 2006 came to be challenged before the High Court of Madras in a writ petition(C) no. 4533 of 2008. By an Order dated 30th April, 2008, the High Court directed that the process of the verification of the claims under the above-mentioned Act can go on but no certificate of title should be issued pursuant to such verification without obtaining the orders of the High Court.

The vires of the above-mentioned Act came to be questioned in two writ petitions filed before this Court, WP(C) No. 50 of 2008 and WP(C) No. 109 of 2008. During the pendency of the said writ petitions, on an application made by Union of India, this Court passed an order withdrawing

the writ petition(C) no. 4533 of 2008. The said writ petition has accordingly been transferred and re-numbered as Transferrred Case (C) No. 39 of 2015.

On 29.1.2016, we passed certain interim directions calling for the data regarding the consequent action taken by the various States in all those cases where the claims preferred by the various claimants were found not to be tenable.

At this stage, it was brought to our notice that insofar as State of Tamil Nadu is concerned, the question of taking any consequential action pursuant to the rejection of the claims would not arise in view of the fact that no final decision regarding any claim has been taken because of the above-mentioned interim orders passed by the Madras High Court. At that stage, it was brought to our notice that the instant application IA No. 2 filed by the State of Tamil Nadu is pending. Therefore, we directed the said application to be listed today.

Heard M. Yogesh Kanna, learned counsel for the State and Mr. Ashok Kumar Singh, learned counsel for the writ petitioner before the Madras High Court.

Having regard to the fact that except for the State of Tamil Nadu, in all other States, the inquiry regarding

the various claims under the above-mentioned Act proceeded substantially, we do not see any justification to hold up the inquiry only in the State of Tamil Nadu. Therefore, we deem it appropriate to vacate the interim order dated 30th April, 2008. We make it clear that the action, if any, taken pursuant to the inquiry conferring any right on any of the claimants would be subject, of course, to the result of the transferred case.

IA no. 2 of 2015 stands disposed of accordingly.

SLP(C)....CC No. 11408-09 of 2009

Taken on board.

In the light of the order passed in IA No. 2 of 2015 in T.C.(C) No. 39/2015, learned counsel for the petitioner seeks permission to withdraw the special leave petitions. Permission is granted. The special leave petitions are accordingly dismissed as withdrawn.

(DEEPAK MANSUKHANI)
COURT MASTER

(INDU BALA KAPUR)
COURT MASTER