2026 INSC 1204

REPORTABLE
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 6395-6397 OF 2025

A. JOHN KENNEDY
AND OTHERS ....APPELLANT(S)

VERSUS

STATE OF TAMIL NADU
AND OTHERS ....RESPONDENT(S)

WITH
CONTEMPT PETITION (C) NO(S). _____ OF 2018
(DIARY NO.25067 OF 2018)
IN
WRIT PETITION (C) NO.202 OF 1995

O R D E R

Mehta, J.

1. Heard in part.

2. This Court, *vide* detailed order/judgment dated 29th May, 2026, issued various directions for a structured and time-bound process of eviction, rehabilitation and ecological restoration in the forest areas. Amongst other directions, this Court mandated the preparation of a division-wise eviction

plan, removal of encroachments, action against identified Government servants, and imposed a prohibition on approval or commencement of new non-forestry activities or diversion proposals within the Agasthyamalai landscape until compliance with the directions contained in paragraph 66 of the said judgment. The Court had also directed continuing monitoring by the CEC.

3. Thereafter, certain applications came to be filed raising, *inter alia*, issues concerning the applicability and implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006[1] in respect of persons residing in and/or cultivating land in the Megamalai region, as also the manner in which the process of eviction and rehabilitation was required to proceed.

4. This Court, *vide* order dated 19th August, 2026, directed the State of Tamil Nadu to place its response on record. The relevant directions read as follows:-

> "**25.** At this stage, we do not propose to express any opinion on the merits of the competing claims or on the correctness of the respective positions reflected in the affidavit of the State and the report of the CEC. However, certain issues emerging from the

[1] For short, "FRA, 2006'.

material before us require a specific and detailed response from the State.

26. In particular, the issue relating to silk cotton cultivation within the Reserved Forest area, the circumstances in which such cultivation is being carried on and the role, if any, of persons from outside the area; the grant of pattas by the District Collector in respect of lands falling within the area in question; and the action taken against the 118 Government servants identified as encroachers, require serious emergent consideration.

27. We are also of the view that, before proceeding further, it is necessary for the State to respond specifically to the observations contained in CEC Report, particularly those observations which have 18 been categorised by the CEC as "Not Complete" or "Partially Complete".

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31. Shri Jaideep Gupta, learned senior counsel appearing for the State of Tamil Nadu, seeks two weeks' time to file a response to the CEC Report. Time as prayed for is granted. The State of Tamil Nadu shall file its reply within a period of two weeks.

32. The reply shall, in particular, disclose the following:

i. The nature, extent and present status of silk cotton cultivation within the Reserved Forest area, including the extent of land under such cultivation, the persons/entities undertaking or facilitating such cultivation, and the material available with the State regarding the involvement of persons from outside the area;

ii. Complete particulars of the pattas granted by the District Collector in respect of lands falling

within the area in question, including the date of grant, the authority under which the pattas were granted, the survey numbers and extent of land covered thereby, and the legal status/classification of such land on the date of grant;

iii. The person-wise status of all 118 Government servants identified as encroachers, including whether notice has been issued and served upon each of them and, in cases where notice has not been served, the specific reasons for non-service, along with the status of disciplinary proceedings and action for removal of their encroachments; and

iv. The status of the claims under the Forest Rights Act, 2006, including the number of claims already determined and the forest rights recognised and pattas granted thereunder, as also the number and present stage of the claims which remain pending."

5. In compliance with the aforesaid directions, the State of Tamil Nadu through the Department of Revenue and the Department of Social Justice have filed its response/reply. We have carefully perused the same and also considered the material placed on record by the CEC and the submissions advanced by the learned *Amicus* and by the learned senior counsel appearing for various departments of State of Tamil Nadu.

SUBMISSIONS

A. On behalf of Department of Revenue, State of Tamil Nadu

6. Shri Jaideep Gupta learned senior counsel appearing for the Department of Revenue, State of Tamil Nadu, submitted that the issue relating to cultivation of silk cotton in the Megamalai region requires to be appreciated in its historical context. According to him, when the cultivation was being undertaken, the concerned areas were not Reserved Forests in their present notified form. Silk cotton was being cultivated there for a considerable period under tacit sanction of the State authorities and was also treated as a minor forest produce. It was emphasized that such cultivation had, at the relevant point of time, been encouraged or permitted by the authorities when the lands were not forming a part of the Reserved Forest. Learned senior counsel submitted that, pursuant to the directions of this Court, the State is no longer permitting or encouraging such cultivation.

7. With regard to the *patta* lands, Shri Gupta submitted that the State has placed before this Court the historical position concerning the Ryotwari settlements and the Updating of Registry (UDR)

exercise. He submitted that the existence of historical revenue entries and Ryotwari settlements has to be distinguished from subsequent occupation of Reserved Forest land. It was further submitted that *pattas* in respect of the Reserved Forest lands in question have not been issued by the Collector and that the State does not propose to issue any such *pattas* merely on the basis of the present occupation.

8. Insofar as the 118 Government servants identified in the CEC reports are concerned, Shri Gupta submitted that action for removal has been initiated. It was submitted that 20 such government servants have voluntarily agreed to remove their encroachments. For the remaining government servants, the relevant particulars and documents have been forwarded to the competent authorities for taking action in accordance with the applicable service rules and law. The State would proceed with the removal of such encroachments as well.

9. Shri Gupta next addressed the issue arising under the FRA, 2006. He submitted that the statutory framework came into existence only in 2006 and, therefore, the position prevailing when the Reserved Forest notifications and the earlier

proceedings were undertaken could not be examined with reference to a statute which was not then in existence. He further submitted that the judgment of the Madras High Court relied upon in these proceedings was rendered in *personam* and was binding upon the parties before that Court, and could not be treated as a judgment in *rem* determining the status of every person residing in the entire Megamalai region.

10. In this regard, learned senior counsel pointed out that the Madras High Court proceedings concerned only limited villages, whereas the present exercise extends over a much larger area comprising 98 habitations/villages in the entire region. It was thus submitted that the findings rendered by the Madras High Court in proceedings concerning particular petitioners and particular villages cannot, without undertaking the statutory exercise contemplated under the FRA, 2006 be mechanically applied to all persons presently residing or cultivating in the broader area.

11. Learned senior counsel submitted that the process contemplated under the FRA, 2006 is a three-tiered mechanism, commencing at the level of

the Gram Sabha/Forest Rights Committee, followed by consideration at the Sub-Divisional Level Committee and thereafter by the District Level Committee. The evidentiary requirements are prescribed under the Rules, including Rule 13, and the claims have to be tested in accordance with the statutory framework and the material prescribed therein.

12. It was submitted that the State of Tamil Nadu had not been in a position to undertake the exercise earlier because implementation of the FRA, 2006 in Tamil Nadu had remained substantially stalled pursuant to an interim order passed by the Madras High Court which was ultimately vacated by this Court in 2016. Shri Gupta thus contended that the delay in the completion of the FRA process cannot be entirely attributed to administrative inaction.

13. Shri Gupta contended that the entire exercise of identification and demarcation of the Reserved Forest had its historical basis in the survey undertaken in 1978 and that the State is having the records concerning the lands which were excluded from and those which were subsequently brought within the Reserved Forest. The question of historical

cultivation, old revenue entries and subsequent forest notifications therefore requires examination with reference to the original records and cannot be decided merely on the basis of present physical occupation.

14. Shri Gupta further contended that the State is conscious of the necessity of removing the encroachers from the forest areas strictly in accordance with law. At the same time, where any person claims protection under the FRA, 2006, the statutory process for determination of such claim ought to be permitted to reach its logical conclusion before the consequences of eviction are visited upon such person(s).

15. Lastly, Shri Gupta suggested that an appropriate committee headed by a retired Judge of this Court may be constituted to supervise the eviction and rehabilitation exercise so that, while encroachments are removed, persons having genuine statutory or rehabilitation claims are not subjected to arbitrary displacement.

B. On behalf of Department of Social Justice, State of Tamil Nadu

16. Mr. Sriram Panchu, learned senior counsel, appearing for the Department of Social Justice, State of Tamil Nadu, submitted that the question before the Court is not merely one of physical eviction of persons identified in the lists of encroachers, but also of determining whether some of those persons may have statutory forest rights which have never been adjudicated.

17. Shri Panchu submitted that the FRA, 2006 is a special statutory enactment intended to recognise and vest rights in forest-dwelling Scheduled Tribes[2] and Other Traditional Forest Dwellers[3] whose rights had historically not been recorded. The statutory protection provided under the Act cannot be bypassed by treating all persons presently residing or cultivating the forest areas as encroachers without first determining their claims under the Act.

18. Shri Panchu further submitted that, in case of OTFDs, the statutory requirement of three generations, corresponding to 75 years, prior to 13th December, 2005 has to be established in accordance with the Act and the Rules. He emphasised that the Act itself provides a mechanism for determination of

[2] Hereinafter, referred to as 'FDST'.
[3] Hereinafter, referred to as 'OTFD'.

such claims and that the evidence contemplated by Rule 13 is not confined to conventional title documents. The statutory process includes consideration of historical records, survey and settlement records, maps, forest records, Government orders, genealogies and other prescribed material.

19. Learned senior counsel submitted that the claims are required to pass muster of the three-tiered mechanism under the FRA, 2006 commencing with the Gram Sabha, followed by the Sub-Divisional Level Committee and the District Level Committee. He submitted that the District Level Committee's determination is the statutory culmination of the claims process. Mr. Panchu further submitted that the fact that the present Reserved Forest notification or the earlier proceedings pre-date the FRA cannot, by itself, extinguish rights which Parliament subsequently directed to be recognised and vested through the statutory framework. According to him, the 1978 proceedings may have crystallised or recorded the position of the forest land at that point of time, but they cannot substitute the statutory determination contemplated by the FRA, 2006 in

respect of persons who claim to fall within its protective ambit.

20. Learned senior counsel urged that the earlier proceedings before the Madras High Court ought not to be treated as having finally adjudicated the statutory FRA claims of persons who were not parties to those proceedings. It was contended that the High Court's judgment had a limited factual and party-specific context and could not be treated as foreclosing the statutory process in respect of the larger population spread across the Megamalai region.

21. Shri Panchu submitted that the State is presently undertaking the statutory exercise under the FRA, 2006. It was submitted that around 40 Gram Sabhas have been constituted and that approximately 1,600 claims/applications have been received. The statutory period prescribed for submission of claims is three months, of which approximately one month has elapsed. The claims already received are being processed through the statutory mechanism.

22. Shri Panchu urged that the State may be granted a reasonable period of two more months to

complete a meaningful statutory exercise. He submitted that the claims adjudication process should not be rendered futile by directing eviction before the rights of persons who may potentially fall within the FRA, 2006 are determined.

23. Shri Panchu submitted that the State does not seek protection for persons who are ultimately found beyond the protective umbrella of FRA, 2006. His submission was that the statutorily prescribed process should first identify those entitled to protection and those liable to be evicted, after which the eviction exercise may proceed against the latter category in accordance with law.

24. Learned senior counsel urged that the process of verification would require participation of the Revenue, Forest and Social Justice Departments, and that the State would be in a position to place the complete factual picture before this Court only after the statutory process is given due time to reach culmination. The exercise would determine, *inter alia*, nature of the occupation, the period of occupation, the livelihood of the claimant/s and the extent to which the claimant/s is actually dependent upon the forest or forest land.

25. Shri Panchu lastly submitted that where a claim is found to satisfy the requirements of the FRA, 2006 the result of such determination would be duly recorded and placed before the appropriate authorities, including the CEC, so that the persons whose claims are found to be legally sustainable are appropriately distinguished from persons having no statutory entitlement.

C. On behalf of *Amicus Curiae*

26. *Per contra,* Shri K. Parmeshwar learned *Amicus Curiae* submitted that the entire exercise of entertaining and examining claims under the FRA, 2006 cannot be permitted to become a means of reopening issues which already stand concluded in respect of the Megamalai forest area.

27. Learned *Amicus* submitted that the Division Bench of the Madras High Court, *vide* judgment dated 17th March, 2022 passed in W.P.(MD) Nos. 6994, 6998 and 10566 of 2021 and connected matters, had already considered the claim of persons asserting rights as OTFD in the Megamalai area. He submitted that the High Court had considered the 1978 forest settlement proceedings, including the field survey and re-survey undertaken therein, and

had taken note of the fact that claims had been invited and dealt with by the Forest Settlement Officer.

28. Learned *Amicus* drew particular attention to the finding recorded in the above judgment that 168 claims were received during the settlement proceedings and were dealt with in accordance with law, with one claim having been allowed. He submitted that the settlement proceedings thus constituted a formal concluded exercise for identification and determination of claims in respect of the forest area.

29. Learned *Amicus* pointed out that the High Court had noted that the persons who subsequently approached it had not made any claim or objection during the settlement proceedings of 1978–79 asserting that they were residing in the forest area or cultivating the land prior to the settlement. The High Court treated this circumstance as a relevant factor while considering their subsequent claims in the category of OTFD.

30. Learned *Amicus* further submitted that the aforesaid findings of the High Court cannot be overlooked or brushed aside in the garb of a fresh

exercise under the FRA, 2006. According to the learned *Amicus,* the persons who were claiming historical occupation had an opportunity to place their claims before the Forest Settlement Officer during the 1978 settlement proceedings. The subsequent assertion of occupation for three generations, in the absence of any corresponding claim in the contemporaneous settlement proceedings, therefore requires to be viewed in the light of the findings already recorded by the High Court.

31. Learned *Amicus* urged that mere residence or cultivation in an area which had been notified as Reserved Forest way back in 1978, does not, by itself, establish a right under the FRA, 2006. In the case of an OTFD, the requirement of having primarily resided in and depended upon the forest or forest land for *bona fide* livelihood needs for at least three generations, *i.e.* 75 years prior to 13th December, 2005, must be established.

32. Learned *Amicus* contended that persons who are residing outside the forest area and are merely cultivating land within the forest cannot, on that basis alone, claim the protection available to forest-

dwelling communities. He submitted that the distinction between persons residing within the forest and persons residing outside it, but using forest land for cultivation, is material while examining eligibility under the FRA, 2006.

33. Learned *Amicus* urged that, even if the Court were to permit consideration of claims under the FRA, 2006, such consideration must be confined to persons who strictly satisfy the statutory requirements. Mere cultivation of land within the Reserved Forest cannot, by itself, constitute sufficient proof of eligibility.

34. It was further urged that a definite cut-off date be prescribed for receipt of claims under the FRA, 2006, and that only claims submitted before such date be considered by the competent authorities. No fresh claims, ought to be entertained after expiry of the prescribed cut-off date.

35. Learned *Amicus* next submitted that the present nature and extent of silk cotton cultivation in the Megamalai area further demonstrates the need for careful scrutiny of the claims as such cultivation is sponsored by persons indulging in commercial activities as per the CEC's findings. He drew attention

of the Court to the chart placed by the State of Tamil Nadu in its reply affidavit, wherein the persons occupying/cultivating land in the Megamalai Forest Range have been broadly classified into three categories. Category I consists of persons permanently residing in the forest area and cultivating. Category II consists of persons cultivating with temporary residence and Category III consists of persons residing outside the forest boundary and cultivating.

36. Learned *Amicus* contended that the figures placed by the State themselves demonstrate that a substantial portion of the silk cotton cultivation is attributable to persons who either have only temporary residence in the forest area (Category II) or reside altogether outside the forest boundary (Category III). Such persons, according to the learned *Amicus*, cannot be treated as traditional forest dwellers merely because they cultivate silk cotton within the forest area. Thus, learned *Amicus* urged that persons falling under Category II and Category III ought not to be permitted to submit claims under the FRA merely on the basis of their cultivation of forest land.

37. Lastly, learned *Amicus* submitted that, having regard to the large number of highly belated claims now sought to be raised under the FRA, 2006, the process of their examination requires effective supervision by the CEC. It was submitted that the CEC may be directed to remain associated with the process of determination of FRA claims so as to ensure that the statutory requirements are uniformly applied and that persons who do not satisfy the statutory definition of traditional forest dwellers are not permitted to obtain recognition merely on the basis of present occupation or cultivation.

38. It was contended that such supervision is necessary to ensure that the benefit of the FRA, 2006 is confined to genuine eligible FDST and OTFD, and that the statutory process is not misused for regularisation of unauthorised occupation of the Reserved Forest areas.

DISCUSSION

39. We have heard and considered the submissions advanced by learned senior counsel appearing for the various departments of the State of Tamil Nadu, as well as the submissions advanced by the learned

Amicus. We have also perused the affidavits and the material placed on record.

40. *Firstly,* we shall deal with the issue concerning the identification of FDST and OTFD entitled to the benefit of the FRA, 2006.

41. In substance, the submission of Shri Gupta and Shri Panchu was that the earlier directions for removal of encroachments ought to be suitably modified so as to accommodate persons who may qualify as FDST or OTFD under the FRA, 2006. Learned senior counsel submitted that, having regard to Sections 2(c) and 2(o) of the Act, the claims of such persons must first be determined in accordance with the statutory mechanism prescribed under the FRA, 2006, before any consequential action for their removal is undertaken. It was further submitted that the FRA, 2006 seeks to recognise the rights of persons who have been residing in forests for generations but whose rights had not been formally recorded, and that the process for consideration of such claims has already commenced, with 40 Gram Sabhas having been constituted, and the exercise would require approximately four months to complete.

42. Shri Parmeshwar, learned *Amicus*, on the other hand, opposed the necessity of undertaking a fresh exercise, contending that the identification of persons residing within the forest areas had already been undertaken in the earlier settlement exercise of 1978 and that the material arising therefrom ought to be taken into consideration.

43. Having regard to the rival submissions, it would be appropriate, at the outset, to notice the legislative scheme, object and purpose of the FRA, 2006, particularly the statutory framework governing the recognition and determination of the forest rights claimed by FDST and OTFD.

44. The scope and object of the FRA, 2006 as well as the nature of rights recognised in favour of FDST and OTFD, have been considered by this Court in ***Orissa Mining Corpn. Ltd. v. Ministry of Environment & Forests***[4] wherein this Court observed as follows: -

> **"49.** The Forest Rights Act was enacted by Parliament to recognise and vest the forest rights and occupation in forest land in forest dwelling STs and other TFDs who have been residing in such forests for generations but whose rights could not be recorded and to provide for a framework for

[4] (2013) 6 SCC 476.

recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land. The Act also states that the recognised rights of the forest dwelling STs and other TFDs include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the forest dwelling STs and other TFDs. The Act also noticed that the forest rights on ancestral lands and their habitat were not adequately recognised in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to them, who are integral to the very survival and sustainability of the forest ecosystem.

50. The Statement of Objects and Reasons of the Act states that forest dwelling tribal people and forests are inseparable and that the simplicity of tribals and their general ignorance of modern regulatory framework precluded them from asserting their genuine claims to resources in areas where they belong and depended upon and that only recently that forest management regimes have initiated action to recognise the occupation and other right of the forest dwellers. Of late, we have realised that forests have the best chance to survive if communities participate in their conservation and regeneration measures. The legislature also has addressed the long-standing and genuine felt need of granting a secure and inalienable right to those communities whose right to life depends on right to forests and thereby strengthening the entire conservation regime by giving a permanent stake to the STs dwelling in the forests for

generations in symbiotic relationship with the entire ecosystem.

51. We have to bear in mind the above objects and reasons, while interpreting the various provisions of the Forest Rights Act, which is a social welfare or remedial statute. The Act protects a wide range of rights of forest dwellers and STs including the customary rights to use forest land as a community forest resource and not restricted merely to property rights or to areas of habitation.

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54. Chapter III of the Act deals with recognition, restoration and vesting of forest rights and related matters. Section 4 of that Chapter deals with recognition of, and vesting of, forest rights in forest dwelling STs and other TFDs. Section 5 lists out duties in whom the forest rights vest and also the holders of forest rights empowers them to carry out duties. Those duties include preservation of habitat from any form of destructive practices affecting their cultural and natural heritage.

55. The definition clauses read with the abovementioned provisions give emphasis to customary rights, rights to collect, use and dispose of minor forest produce, community rights like grazing cattle, community tenure of habitat and habitation for primitive tribal groups, traditional rights customarily enjoyed, etc. Legislative intention is, therefore, clear that the Act intends to protect custom, usage, forms, practices and ceremonies which are appropriate to the traditional practices of forest dwellers.

56. Chapter IV of the Act deals with the authorities and procedure for vesting of forest rights. That Chapter has only one section i.e. Section 6, which has to be read along with the Scheduled Tribes and

OTFD (Recognition of Forest Rights) Rules, 2007 and the Amendment Rules, 2012."

45. The aforesaid observations provide the context in which the statutory provisions of the FRA, 2006 are required to be considered. The Preamble to the Act itself sets out the legislative object and the nature of the rights sought to be recognised. It read as under: -

"An Act to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

WHEREAS the recognised rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the forest dwellings Scheduled Tribes and other traditional forest dwellers;

AND WHEREAS the forest rights on ancestral lands and their habitat were not adequately recognised in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional

forest dwellers who are integral to the very survival and sustainability of the forest ecosystem; AND
WHEREAS it has become necessary to address the longstanding insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers including those who were forced to relocate their dwelling due to State development interventions."

46. Apparently, on going through the Preamble, it becomes clear that the Act was enacted for the purpose of recognising the rights of the FDST and OTFD, who had been residing in the forests for generations but whose rights could not be recorded. The idea behind the enactment is to protect those people who were traditionally surviving through the minor forest produce as defined under Section 2(i) and had habitats as defined under Section 2(h) of the Act which read as below:-

"(i) 'minor forest produce' includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like;

(h) 'habitat' includes the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes;"

47. As per Section 2(c), FDST are the members or the community of Scheduled Tribes who primarily reside in and would depend on forest or forest lands for *bonafide* needs and includes the Scheduled Tribes pastoralist communities. In addition, the Act also recognises the rights of OTFD, defined under Section 2(o) as:

> "other traditional forest dweller means any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for bona fide livelihood needs"

48. The explanation to Section 2(o) provides that a "generation" means a period of twenty-five years and for a person to be recognised as an OTFD, residence of at least three generations in the area prior to 13th December, 2005 is essential. Both definitions require that the claimant primarily resides in the forest and depends on it.

49. The Act recognises various forest rights under Section 3(1), including the right to hold forest land for habitation or self-cultivation for livelihood under clause (a), and the right of ownership, access to collect, use and dispose of minor forest produce

"which has been traditionally collected within or outside village boundaries" under clause (c).

50. The mechanism for deciding the claims of the FDST and OTFD, which is the bone of contention before us, is set out in Section 6 of the FRA, 2006 which reads as below:-

> "6. (1) The Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and OTFD within the local limits of its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim in such manner as may be prescribed for exercise of such rights and the Gram Sabha shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee.
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> (2) Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee constituted under sub-section (3) and the Sub-Divisional Level Committee shall consider and dispose of such petition. Provided that every such petition shall be preferred within sixty days from the date of passing of the resolution by the Gram Sabha:
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> Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.
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> (3) The State Government shall constitute a Sub-Divisional Level Committee to examine the resolution passed by the Gram Sabha and prepare

the record of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee for a final decision.

(4) Any person aggrieved by the decision of the Sub-Divisional Level Committee may prefer a petition to the District Level Committee within sixty days from the date of decision of the Sub-Divisional Level Committee and the District Level Committee shall consider and dispose of such petition:

Provided that no petition shall be preferred directly before the District Level Committee against the resolution of the Gram Sabha unless the same has been preferred before and considered by the Sub-Divisional level Committee:

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(5) The State Government shall constitute a District Level Committee to consider and finally approve the record of forest rights prepared by the Sub-Divisional Level Committee.

(6) The decision of the District Level Committee on the record of forest rights shall be final and binding.

(7) The State Government shall constitute a State Level Monitoring Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such returns and reports as may be called for by that agency.

(8) The Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee shall consist of officers of the department of Revenue, Forest and Tribal Affairs of the State Government and three members of the Panchayati Raj Institutions at the appropriate level, appointed by the respective

Panchayati Raj Institutions, of whom two shall be the Scheduled Tribe members and at least one shall be a women, as may be prescribed.
(9) The composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions shall be such as may be prescribed."

51. This Court in ***Orissa Mining Corporation*** *(supra)* explained the said mechanism in the following terms:-

"**59.** Under Section 6 of the Act, the Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both and that may be given to the forest dwelling STs and other TFDs within the local limits of the jurisdiction. For the said purpose it receives claims, and after consolidating and verifying them it has to prepare a plan delineating the area of each recommended claim in such manner as may be prescribed for exercise of such rights. The Gram Sabha shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee. Any aggrieved person may move a petition before the Sub-Divisional Level Committee against the resolution of the Gram Sabha. Sub-section (4) of Section 6 confers a right on the aggrieved person to prefer a petition to the District-Level Committee against the decision of the Sub-Divisional Level Committee. Sub-section (7) of Section 6 enables the State Government to constitute a State-Level Monitoring Committee to

monitor the process of recognition and vesting of forest rights and to submit to the nodal agency. Such returns and reports shall be called for by that agency.

60. Functions of the Gram Sabha, Sub-Divisional Level Committee, District-Level Committee, State-Level Monitoring Committee and procedure to be followed and the process of verification of claims, etc. have been elaborately dealt with in the 2007 Rules read with the 2012 Amendment Rules. Elaborate procedures have therefore been laid down by the Forest Rights Act read with the 2007 and 2012 Amendment Rules with regard to the manner in which the nature and extent of individual or customary forest rights or both have to be decided. Reference has already been made to the details of forest rights which have been conferred on the forest dwelling STs as well as TFDs in the earlier part of the judgment."

52. As per the affidavit filed by the State Government, the exercise of deciding such claims has already commenced *albeit* belatedly. The reason given for the delay is that, for a considerable period of time, the implementation of the FRA, 2006 was kept in abeyance by an interim order passed by the Madras High Court, which was vacated by this Court in 2016 only. Apparently thus, the process under Section 6 was never initiated for years even after the lifting of the stay and seems to have been triggered only after

this Court took *suo moto* cognizance of the prevailing situation.

53. It seems that, pursuant to the direction given by this Court to remove the encroachments from the Srivilliputhur-Megamalai Tiger Reserve and the other reserved forests in the Agasthyamali Biosphere, the State Government has woken up because, prior to the orders by this Court in this matter, there was total inaction on the part of the State Government to initiate the action under Section 6 of the FRA, 2006.

54. Now, pursuant to the mandate issued by this Court, the State Government seems to have woken up, *albeit* belatedly and realised that the process has to be undertaken, claims have to be initiated and adjudicated and, that those persons who are not found to be covered under the beneficial provisions of the FRA, 2006 have to be evicted from the forest areas.

55. In view of the statutory scheme referred *supra*, the claims of persons asserting rights as FDST or OTFD are to be determined with strict adherence to the mechanism under Section 6 of the FRA, 2006 read with the Rules framed thereunder, and not merely on the basis of present occupation. The

benefit of the Act is confined to those who satisfy the requirements of Sections 2(c) and 2(o). Persons who do not satisfy these requirements are liable to be removed from the forest areas in accordance with law.

56. We must remain conscious of the fact that with Megamalai reserve forest being declared as a Tiger Sanctuary/reserve, the sanctity of the critical tiger habitat has to be given primacy over any claim which intends to encroach upon the forest area.

57. Having clarified the statutory position and the nature of the exercise required to be undertaken by the State Government, we may now turn to the particular justification advanced by the State for the continued presence and cultivation in the forest areas, namely, its reliance upon silk cotton as a minor forest produce. The issue assumes significance in examining the nature of the occupation and the claims sought to be considered under the FRA, 2006.

58. We have carefully perused the affidavit filed by Department of Revenue, State of Tamil Nadu and as we could apprehend, the main focus of the affidavit regarding the forest produce seems to be the silk cotton cultivation. The State has relied on the

classification of silk cotton (*Ceiba pentandra*) as a minor forest product on the Agritech portal of the Tamil Nadu Agricultural University and on the Working Plan for the forests of the Madura Division, 1936-37 to 1945-46. It is stated that silk cotton floss, being a non-timber produce of plant origin, falls within the meaning of "minor forest produce" under Section 2(i) of the FRA, 2006, which reads as under:-

> "(i) 'minor forest produce' includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like;"

59. A perusal of the additional affidavit dated 6th September, 2026 filed by the Department of Revenue, State of Tamil Nadu, would further indicate that the State Government itself has, at different points of time, promoted or facilitated the cultivation of silk cotton. However, no specific notification or other material has been placed before us demonstrating that silk cotton, as a cultivated crop, has been recognised as "minor forest produce" under the FRA, 2006 or under any other forest law. The State's reliance upon the historical cultivation of silk cotton, therefore, cannot, by itself, establish that such

cultivation constitutes a forest right recognised under the FRA, 2006.

60. In this regard, we may refer to Section 3(1)(c) of the FRA, 2006, which recognises the right of ownership, access to collect, use and dispose of minor forest produce which has been traditionally collected within or outside village boundaries. The material placed before us, however, does not demonstrate that silk cotton is traditionally collected as minor forest produce. What emerges from the affidavits is the promotion and sponsored cultivation of silk cotton as a commercial crop, rather than traditional collection of the various parts of the tree as minor forest produce. The distinction assumes significance while examining whether the cultivation in question can be claimed as a right under Section 3(1)(c) of the FRA, 2006.

61. The entire thrust of the averments contained in paragraphs 13 to 21 of the affidavit would indicate that the silk cotton cultivation was introduced in the forest areas as a planned plantation from the 1930s. However, we are of the view that the concept of planned cultivation of commercial crop is totally contrary to the very concept of a naturally occurring

minor forest produce. From the very nature of the definition of minor forest produce under Section 2(i) it becomes clear that the same should be naturally occurring plant produce. If commercial crops are permitted and allowed to be cultivated in the forest areas, the very nature of the forest is bound to change.

62. Needless to say, that the emphasis laid by the State Government in its affidavit that silk cotton is a traditional minor forest produce does not appeal to the Court as the same does not answer to the test under Section 2(i) of FRA, 2006. The fact that large swathes of forest are being destroyed under the garb of cultivation of silk cotton is also borne out from paragraphs 23, 24 and 25 of the affidavit of the State Government which read as under:-

> **23.** That the details of silk cotton cultivation, as worked out by the Tahsildar, Andipatti from the encroachment details report of the Forest Department for the Megamalai Forest Range, with reference to the three categories of occupation adopted in the enumeration furnished to the CEC, are as under.

Category	**Description**	**Total occupation - Number**	**Total occupation Area (ha)**	**Silk Cotton – Number**	**Silk Cotton – Area (ha)**
Category I	Persons permanently	1,595	1,679.73.3	1,010	1,262.87.5

	residing in the forest area and cultivating				
Category II	Persons cultivating with temporary residence	232	525.20.4	231	524.33.4
Category III	Persons residing outside the forest boundary and cultivating	2,767	2,867.70.6	1,402	1,850.62.3
Total		**4,594**	**5,072.64.3**	**2,643**	**3,637.83.2**

> **24**. That the silk cotton trees standing over the aforesaid area of 3,637.83.2 hectares are situated in Megamalai Village, Survey No. 280 (part), and lie both within the 24,655.75.5 hectares finally notified as Reserved Forest under Section 16 of the Tamil Nadu Forest Act, 1882 vide G.O. Ms. No. 118, Environment and Forests Department, dated 09.09.2009, and within the 3,219.63.0 hectares which stand excluded under that very notification.
>
> **25.** That, on the material presently available with the Revenue Department, the silk cotton holdings within the Reserved Forest are worked by the resident families of the settlements listed in Annexure A-17 to the earlier affidavit dated 18.08.2026 and by residents of the adioining revenue villages: Revenue Department has no material indicating that any large commercial enterprises financing or directing this cultivation."

63. Three categories of persons have been charted out in the affidavit who are presently occupying 5,072.64.3 hectares of forest land, of which

3,637.83.2 hectares is under silk cotton cultivation. As per this table, 232 persons are cultivating the forest area with temporary residence, whereas 2,767 persons who occupy 2,867.70 hectares land are residing outside the forest boundary and are managing silk cotton cultivation. A total of 1,595 persons are stated to be permanently residing in the forest area and indulging in such cultivation.

64. Having regard to the requirement under Sections 2(c) and 2(o) of the FRA, 2006 that a claimant must primarily reside in the forest, persons who cultivate while having only temporary residence in the forest area (Category II), as well as persons residing outside the forest boundary (Category III), cannot, on the basis of such cultivation alone, qualify as FDST or OTFD. The persons falling in Category II and Category III shall therefore be excluded from consideration under the FRA, 2006.

65. Furthermore, we also are of the *prima facie* view that planned or promoted cultivation of a commercial crop inside the forest areas is completely impermissible as no such right is recognised under FRA, 2006. The Act recognises the right of forest dwellers to collect, use and dispose of minor forest

produce in accordance with Section 3(1)(c), as discussed *supra*. The cultivation of a commercial crop cannot, therefore, be recognised as a forest right so as to justify occupation or continued presence within the forest area. Consequently, the claim of the State Government that the cultivation of silk cotton itself justifies the presence of the cultivators in the forest area is wholly unacceptable.

66. The averments made in para 25 of the affidavit referred to *supra,* wherein it is stated that the Department of Revenue has no material indicating that any large commercial enterprise is financing or directing the cultivation, are contradicted by the table set out in paragraph 23 of the affidavit, which mentions that as many as 2,767 persons are residing outside the forest boundary and are cultivating the silk cotton. Apparently, a person residing outside the forest would not be in a position to cultivate the commercial crops inside the forest without financing or facilitation by others. This aspect requires deeper examination by the CEC so that consequential action can be directed against such violators.

67. The CEC shall also give its opinion regarding the status of silk cotton as a minor forest produce, as

projected in the affidavit of the State Government without being prejudiced by the observations *supra*.

68. During the course of submissions, Shri Gupta pointed out that the three-tiered mechanism for deciding the claims under FRA, 2006 has been made operational and that the exercise is likely to be completed within 4 months. It was also submitted that the State Government is ready to accept the supervision of this exercise under the aegis of a retired Judge of this Court.

69. Learned *Amicus*, on the other hand, urged that CEC should be made a part of the supervisory exercise so that fake claims can be identified and rejected. We find both the suggestions to be acceptable.

DIRECTIONS

70. In order to ensure transparency, fairness and proper supervision of the process of determination of claims under the FRA, 2006, we pass the following directions.

i. The persons falling in Category II and Category III, as classified in paragraph 23 of the additional affidavit dated 6th September, 2026 filed by Department of

Revenue, State of Tamil Nadu, shall be excluded from consideration as FDST or OTFD for the purposes of the FRA, 2006.

ii. It is clear that the State Government is primarily responsible for the delay in the process of receiving, identifying and adjudicating the claims under the FRA, 2006. Before this Court took cognizance of the encroachments in the forest area, even the Gram Sabhas had not been constituted. The process of setting up of the Gram Sabhas appears to have been initiated in the last few months only. As per the submission made by Shri Gupta and Shri Panchu, around 40 Gram Sabhas have become functional and have started the process of inviting claims. Since the FRA, 2006 is a beneficial legislation recognising the rights of FDST and OTFD, by way of indulgence, this Court grants a last opportunity of 30 days from today to the State Government to complete the formation of the remaining Gram Sabhas. Upon constitution of the Gram Sabhas,

the process of inviting the remaining claims, if any, and their adjudication through the three-tier mechanism will be commenced and shall be concluded strictly within a period of five months from the date of constitution of the Gram Sabhas.

iii. As requested by Shri Jaideep Gupta, learned senior counsel appearing for the State of Tamil Nadu, a Special Committee is hereby constituted, headed by Hon'ble Mr. Justice B. R. Gavai, former Chief Justice of India to be assisted by an officer of the CEC, and the Principal Chief Conservator of Forests & Head of Forest Force, State of Tamil Nadu. The Hon'ble Chairperson shall be at liberty to identify a suitable officer of the CEC to assist the committee in the discharge of its functions. The Committee shall scrutinise the orders passed by the competent authorities under the FRA, 2006, in respect of the claims received and shall submit its report to this Court in a sealed

cover. The Committee shall also supervise the expeditious disposal of the claims by issuing necessary directions to the authorities concerned. For this purpose, the State Government shall forward monthly progress reports to the Committee.

iv. The Committee shall commence its functioning forthwith. The State of Tamil Nadu shall provide all necessary logistical and administrative assistance to the Committee for carrying out its functions with due deference to the status of the Hon'ble Chairperson. For this purpose, an officer to the rank of Joint Secretary (Administration) shall be designated as the Nodal Officer to coordinate with the Committee and facilitate the provision of all necessary assistance required in the functioning of the Committee.

v. The Chairperson of the Committee shall be paid honorarium in four instalments of Rs. 25,00,000/- (Rs. Twenty-Five Lakhs only) each, to be borne by the State of Tamil

Nadu. All additional expenses incurred for the functioning of the Committee shall also be borne by the State Government.

vi. The Committee shall endeavour to examine and conclude the exercise of scrutiny of the claims within a period of two months from the outer limit prescribed by the Court in Direction (ii).

vii. The CEC shall furnish its opinion regarding the projection made in the State's affidavit treating silk cotton as a minor forest produce.

71. List the matter again on 1st February, 2027 for receiving the interim status report.

72. The case shall be listed as a part heard matter.

I.A. filed by NHAI seeking impleadment/intervention (I.A. Diary No. 291848/2026) and clarification/modification of order dated 29th May 2026 (I.A. Diary No. 291851/2026)

73. The instant applications have been filed by the NHAI seeking its impleadment in the present proceedings and seeking clarification/modification of

the direction contained in paragraph 66(vi) of the order dated 29th May, 2026. The said direction, *inter alia*, places a prohibition on approval or commencement of any new non-forestry activity or diversion proposal within the Agasthyamalai landscape, until the encroachments are removed and the illegal infrastructure is dealt with in accordance with law.

74. Shri K.M. Nataraj learned Additional Solicitor General appearing for NHAI submitted that the NHAI has a proposal relating to NH-744, including the proposed Puliara–Edamon tunnel section, which requires permission for diversion of a limited extent of Reserved Forest land. It was submitted that the proposal is a fresh statutory proposal and does not concern regularisation of any existing illegal activity or post-facto approval. The grievance of the NHAI is that, in view of paragraph 66(vi), its proposal has not been permitted to be processed and considered by the competent authorities.

75. Learned ASG submitted that the NHAI is not seeking any automatic approval or permission to commence construction within the forest area. The limited prayer is that the concerned statutory

authorities be permitted to receive, process and examine the proposal in accordance with the applicable forest, wildlife and environmental laws, subject to all requisite statutory clearances and the ultimate decision of the competent authorities.

76. Considering the submissions advanced by the learned ASG, we direct the CEC to consider the application filed by the NHAI and submit its reply/response thereto. The response shall be filed before the next date of hearing.

77. While considering the application, the CEC shall also keep in view the provisions contained in Section 3(2) of FRA, 2006 which read as under: -

> "Notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare, namely:-
>
> (a) schools;
> (b) dispensary or hospital;
> (c) anganwadis;
> (d) fair price shops;
> (e) electric and telecommunication lines;
> (f) tanks and other minor water bodies;
> (g) drinking water supply and water pipelines;
> (h) water or rain water harvesting structures;
> (i) minor irrigation canals;
> (j) non-conventional source of energy;

(k) skill up-gradation or vocational training centers;
(l) roads; and
(m) community centers:

Provided that such diversion of forest land shall be allowed only if, -
(i) the forest land to be diverted for the purposes mentioned in this subsection is less than one hectare in each case; and
(ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha."

I.A. filed by the State Law Department seeking impleadment (I.A. No. 253204/2026) and modification of order dated 29th May, 2026 (I.A. No. 253205/2026) .

78. The State Law Department has filed the present applications seeking, firstly, its impleadment as a party respondent and, secondly, modification of paragraph 66(iii) of the order dated 29th May, 2026. The said direction requires the State Law Department to continuously monitor encroachment-related proceedings pending before the District Courts and other judicial fora, take steps for their expeditious disposal and place a tabular status report before this Court.

79. Ms. Vrinda Bhandari learned counsel appearing for the State Law Department submitted that the Law Department was not a party to the proceedings when the aforesaid direction was passed and that the actual administration of forest lands, including maintenance of records relating to encroachments, eviction proceedings and individual claims, is undertaken by the Environment, Climate Change and Forests Department through the Principal Chief Conservator of Forests and its subordinate officers. The Law Department's role is primarily confined to rendering legal advice and providing legal assistance in proceedings instituted by or against the State.

80. Learned counsel therefore submitted that the responsibility contemplated under paragraph 66(iii) ought to be entrusted to the Environment, Climate Change and Forests Department through the Principal Chief Conservator of Forests and the concerned subordinate authorities, who are in possession of the relevant records and are competent to furnish the factual status of the encroachment proceedings.

81. Having considered the submissions, the application for impleadment is allowed. The State

Law Department, Government of Tamil Nadu, is impleaded as a party respondent in these proceedings.

82. The application seeking modification of paragraph 66(iii) of the order dated 29th May, 2026 is also allowed, and the said direction shall stand modified to the extent prayed for in the application. The responsibility contemplated under paragraph 66(iii) shall accordingly stand assigned to the Environment, Climate Change and Forests Department, Government of Tamil Nadu, through the Principal Chief Conservator of Forests and the concerned subordinate authorities, in terms of the prayer made in the application.

.....J.
(VIKRAM NATH)

.....J.
(SANDEEP MEHTA)

NEW DELHI;
NOVEMBER 06, 2026.