

# Tamil Nadu Janmam Land Delay: Encroachments Threaten Gudalur Elephant Corridor

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Tamil Nadu gov't's delay in implementing Section 17 of the Gudalur Janmam Estates (Abolition and Conversion into Ryotwari) Act, 1969, which has lasted about six decades, has led to widespread encroachments, including along elephant corridors in O'Valley within the Gudalur taluk of the Nilgiris.

Gudalur serves as a critical elephant corridor linking Wayanad and the Mudumalai Tiger Reserve. However, this corridor is facing fragmentation due to encroachments and developments as well as rising conflicts between humans and elephants.

A crucial issue concerns the classification of certain pieces of janmam land, formerly owned by janmis (landlords), as either 'forest land' to be designated for govt ownership or 'ryotwari land' that can be privately owned through a patta.

Of the 80,000 acres of janmam land in the Gudalur region, about 50,300 acres had been leased out by the janmis. By the time the Act came into force in 1969, nearly 15,000 acres of rainforest had been converted into plantations. Plantation companies and individuals have staked claims as leaseholders or tenants, complicating the settlement process. "Political parties make promises during elections regarding these issues, but they remain unresolved after votes are polled," says R Sathyaseelan, an activist from O'Valley.

While the Act empowers the govt to manage leased plantation lands and provides a legal framework for legitimate occupants to acquire land rights, ongoing legal disputes over land classification have also resulted in restrictions on the provision of basic amenities and infrastructure in areas designated as 'Section 17 lands' and have enabled further encroachments.

According to the district office of survey and settlement (DOSS), about 35,000 acres of Janmam land (largely in O'Valley) still fall under Section 17. "These lands are used by 11 major and 82 smaller estates for tea cultivation. About 300 cases related to these lands, including those involving encroachments, are pending before Madras high court and about three before Supreme Court," says a DOSS official, requesting anonymity.

Environmentalists say janmam lands extend over 80,000 acres in the Nilgiris, including ecologically sensitive shola forests that form a vital part of the Western Ghats. "It is described as the "overhead water tank" for half the country. Due to deforestation and encroachments, forest cover in the Nilgiris has shrunk to 20% of its original area," says V Sivadas, managing trustee of Nilgiris-based environmental organisation Nest.

Forest officials say human-elephant conflict is a growing problem that can only be contained by formally notifying and protecting the corridors. "As encroachments continue, the likelihood of conflict is likely to increase. Elephants tend to return to their traditional routes despite barriers.

"The janmam land conflict is one of India's longest-running policy failures," says Siddhartha Krishnan, environmental sociologist and historian whose PhD thesis was on the issue. "The DMK govt of the day displayed intent in abolishing the janmam tenure. It should have simply assumed control of janmi leases to plantations. But in section 17 of the Act, the rider that the "govt may, if in their opinion, it is in the public interest to do so, by notice given to the person concerned, terminate the rights" created by the janmi, in retrospect, suggests policy uncertainty. This legal ambiguity has perpetuated a policy paralysis."

In Jan 2025, chief minister M K Stalin held a meeting to review Section 17, and the need to take over 34,986 acres

in Gudalur where leases have expired.

Lawyers say the Act was passed in 1969 and came into effect in 1974, and pattas under other sections 8, 9, and 10 were granted by 1978. Section 17 remains in limbo. The law requires the govt to terminate leases, take possession of the land and compensate lessees if necessary. However, this has not been done despite leases having expired.

Many lessees occupy the land without paying rent or taxes, while seeking pattas by claiming tenant status. The law does not permit corporate entities to receive ryotwari pattas, which are meant for individuals cultivating annual crops. Despite court rulings upholding the Act, encroachers have continued to file appeals.

“Large-scale encroachments continue unchecked, with some individuals building houses on several acres of land without approval. Estate owners have encouraged small-scale encroachments to protect their interests,” says S Anandaraja, secretary of the South India Repatriates Development Association. “Some encroachers have built buildings on 10 acres of encroached land. How is it possible without the complicity of local officials? All of the encroachers’ houses have electricity connections and water supply.” Despite several attempts, the district settlement officer could not be reached for a comment.

## Of man, land and lease

- Unfinished classification: When the Act was implemented in 1974, govt assumed the role of lessor from Nilambur Kovilagam and took over about 80,000 acres of Janmam land. Of this, around 45,000 acres were classified under sections 8, 9, 10, 11, 14, 15 and 53, while nearly 35,000 acres under Section 17 were left unclassified
- Corporate control: Eleven major plantations held more than 80% of the leased forest area of 50,300 acres. Several companies have sought pattas claiming long possession. Among them, Birla, a section-17 lessee in O’Valley, possessed almost 40% of the leased lands and more than half the private forests. Hindustan held 11% of the leased land and 9% of the private forest area. Most leases expired between the 1970s and 2010, but the lands were not taken over
- Encroachments: More than 10,000 families, including those from ST, SC, MBC and BC communities and Sri Lankan refugees, have encroached on 300 acres for housing and 4,900 acres for cultivation, totalling more than 5,000 acres under Section 17. As per a 2021 statement by forest minister K Ramachandran, the legal status of the land remains unchanged, but encroachments have likely increased.
- Hanging in the balance: More than 16,000 families in the region struggle for basic amenities such as electricity; O’Valley, an elephant corridor, remains entirely under leasehold

## **Annex:**

### **Note, comments & questions x C.R. Bijoy**

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#### **Note**

The government has filed an application in WP 202 of 1995 for grant of permission to convert a part of the Sec.17 land (Lands leased to estates and lease expired) as revenue lands while notifying the rest as forests and granting land rights to a large number of households on this land. The application leaves out Sec.13 lands designated as forests to be transferred to the Forest Department where too there are many living, some of them are eligible under FRA while many are not eligible under FRA (Sri Lankan Repatriates dumped there since 1970s, and others marginalised).

#### **Comments**

The application filed by the Chief Secretary on behalf of the Government of Tamil Nadu in WP(C) No. 202 of 1995 is that

(a) out of the total Janmam lands of 80,087.74 acres, 15,159.03 acres were settled, and 29,942.43 acres are declared as 'forest' under Sec. 53 of the Janmaom Act. Another 34,986.28 acres of land remain to be settled and this land falls under Sec.17 lands (leased to estates with lease expired)

(b) Out of this 34,986.28 acres of Sec. 17 land, 7 villages with an area of 3,539.62 acres consisting of 3408.15 acres of land for 6,654 households (5,674 households from these villages and another 980 households inhabiting outside these villages who will be relocated to these villages) averaging about 0.5 acres per household is proposed.

(c) The 980 tribal households residing in 23 hamlets outside the 7 villages will be eligible for rights under the Forest Rights Act 2006 when the remaining 31,510.15 acres will be notified as forests under Sec.53.

The following shortcomings are found in this proposal which may urgently be rectified by incorporating the same through submission to the Supreme Court as an addendum to the application:

1. The actual possession of the households as of January 2026 shall be determined by the habitation level gram sabha through a claim process to determine the occupation, their verification and approval by the respective Gram Sabhas adopting similar procedures as are found in Forest Rights Act, 2006 to ensure total transparency and credibility.

2. The rights of those residing in and / or accessing the 31,510.15 acres that are to be notified as forest under Section 53 shall have their forest rights determined, verified, approved and recognised as per the provisions under Forest Rights Act 2006.

3. As 29,942.43 acres of land are already notified under Sec. 53 forests, while those who are eligible under Forest Rights Act 2006 shall claim their forest rights and get their forest rights recognised as per the Forest Rights Act 2006, those who are not eligible under Forest Rights Act, 2006

mainly the Sri Lankan Repatriates and other marginalised households shall also have their lands under occupation demarcated for approval by the Supreme Court as a one time settlement. The exact number of such households and the area under their occupation would be ascertained as part of this settlement process.

In order to take this proposal forward, the following details are required:

1. The copy of the proposal detailing the allocation of 3,539.62 acres with name of households and land under their occupation, village common lands, infrastructure etc
2. The details of the number of households and land under occupation in Sec. 53 lands of 29,942.43 acres

**Questions that need to be dealt with:**

1. What should be the cut off date for eligibility?
2. Who will be eligible?
3. What rights would they be eligible for?
4. What should be the extent of land for each rights?

The above could be the formulation for settlement of rights on Sec. 17 and 53 lands