

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2017

CORAM

**THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN**

**CMP. No.7739 of 2017
in
W.A. No.SR 35693 of 2017
and
W.A. No.SR 35693 of 2017**

- 1.The Government of Tamil Nadu
Represented by its Secretary,
Environment and Forest Department,
Fort St.George, Chennai – 600 009.
- 2.The Principal Chief Conservation of Forest
Having Office at Panagal Building,
Saidapet, Chennai – 600 015.
- 3.The Divisional Forest Officer,
Interface Forestry Division, Salem.
- 4.The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet, Chennai – 600 018.

..Petitioners/Appellants

/Versus/

R. Kaliyamoorthy.
..Respondent/Respondent

Prayer: Civil Miscellaneous Petition filed under Section 5 of the Limitation Act prays to condone the delay of 115 days in filing the Writ Appeal against the order dated:01.12.2016 in W.P.No.42222 of 2016.

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 01.12.2016 in W.P.No.42222 of 2016.

For Petitioners/Appellants : Mrs.A.Srijeyanthi,
Special Government Pleader.

COMMON ORDER

(Order of the court was made by RMT.TEEKAA RAMAN,J.)

This Civil Miscellaneous Petition filed by the petitioners to condone the delay of 115 days in filing this Writ Appeal against the order dated:01.12.2016 in W.P.No.42222 of 2016.

2. There is a delay in 115 days in filing appeal against the impugned order dated 01.12.2016 passed by the learned Single Judge in W.P.No.42222 of 2016.

3. On perusal of the affidavit, we are not satisfied with the reason assigned for the delay except mere administrative reasons. On perusal of the impugned order, it is seen that the prayer in the writ petition is covered by the decision of this court made in W.P. No.8205 of 2011 dated 19.04.2011 and W.P. No.13832 of 2011, dated 29.06.2011. Both these orders were confirmed by a Division Bench in W.A.Nos.27 and 28 of 2012 by a common judgment dated 13.02.2012 against which the Government has preferred Special Leave Petition Nos.14838 and 14839 of 2011 which were also dismissed on 10.05.2012.

4. Therefore, viewed from any angle, we do not find any merit in the petition to condone the delay in filing the appeal. The prayer in the writ petition has already been covered by the decision rendered by the Hon'ble

Supreme Court. For the reason not known, this kind of appeals have been preferred by the Government, which is deprecated. In this view of the matter this Civil Miscellaneous Petition is dismissed. Consequently, the Writ Appeal at SR Stage is rejected. No costs.

(H.G.R.,J.)(T.K.R.,J.)
07.06.2017.

Index:Yes/No
Internet:Yes/No
rkp/ssk.

**HULUVADI G. RAMESH, J.
AND
RMT.TEEKAA RAMAN, J**

rkp/ssk.

**CMP. No.7739 of 2017
in
W.A. No.SR 35693 of 2017
and
W.A. No.SR 35693 of 2017**

07.06.2017.

<http://www.judis.nic.in>