

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.10.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A No.899 of 2017 and
CMP No.12591 of 2017

Glenrock Estates (P) Ltd.,
Rep. by its Director, G.Chandrasekar
48, Anna Salai, Chennai - 600 002. ...Appellant/Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. by its Secretary, Revenue Department,
Fort St.George, Chennai - 600 009.
- 2.The Settlement Officer and
District Revenue Officer, Gudalur Janmam Lands,
Gudalur, Nilgiris District.
- 3.The District Collector,
Collectorate, Udhagamandalam,
The Nilgiris.
- 4.The District Revenue Officer,
Collectorate, Udhagamandalam,
Nilgiris.
- 5.The District Forest Officer,
O/o.The District Forest Officer, Gudalur
The Nilgiris District.
- 6.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer, Gudalur
The Nilgiris District. ...Respondents/Respondents

Prayer:- Writ Appeal filed under clause 15 of Letters Patent,
against the order made in W.P.No.24853 of 2011 dated 20.12.2016.

Prayer in W.P. No 24853/2011:

Writ Petition filed under Article 226 of the constitution of India seeking a writ of Certiorarified Mandamus to calling for the records of the second respondent comprized in the notification issued by the fourth respondent dated 03.08.2011 in

Na.Ka No 370/2011 as published in the Nilgris District Gazatee extraordinary Edition dated 11.08.2011 and quash the same as being arbitrary and illegal and violative of the constitution of India and Tamil Nadu Guddalur Janmam Estates (Abolition and conversion into Ryotwari) Act 1969.

For Appellant : Mr.P.Chandra Bose
For Respondents: Mr.M.Santhanaraman
Addl.Govt.Pleader (Forest)

J U D G M E N T
K.K. SASIDHARAN, J.

This intra court appeal is directed against the common order dated 20 December, 2016, whereby and where under, the writ petition filed by the appellant in W.P.No.24853 of 2011, challenging the notification dated 11 August, 2011 was dismissed with a direction to the learned District Judge, Ootacamaund, in his capacity as Jenmam Tribunal, to dispose of the pending appeals on merits. Feeling aggrieved, the appellant is before us.

2. The learned counsel for the appellant contended that there is an error apparent on the face of the record inasmuch as no appeal would lie before the District Judge against the notification, which was impugned in the writ petition in W.P.No.24853 of 2011.

3. The learned Additional Government Pleader appearing on behalf of the respondents submitted that as against the common order dated 20 December, 2016, M/s.Hindustan Unilever Limited, filed an appeal in W.A.No.767 of 2017. The Division Bench was pleased to uphold the order passed by the writ court and as such, there is no question of considering the legality and correctness of the order passed by the learned single at the instance of the appellant.

4. We have perused the common order passed by the writ court dated 20 December, 2016 in W.P.No.27058 of 2011 and batch. The writ petition filed by the appellant in W.P.No.24853 of 2011 was part of the order dated 20 December, 2016. The unsuccessful writ petitioner in W.P.No.25610 of 2011 instituted intra court appeal against the common order dated 20 December, 2016 before the Division Bench in W.A.No.767 of 2017. The Division Bench was pleased to uphold the order passed by the learned single Judge and directed the learned District Judge, Ootacamund to dispose of the matter.

5. In view of the judgment dated 7 July, 2017 made in W.A.No.767 of 2017, we are not in a position to entertain this appeal and to permit the appellant to agitate the matter once again. We are therefore of the view that the issue raised by the appellant is covered by the judgment in W.A.No.767 of 2017.

6. In the result, the intra court appeal is disposed of in terms of the order dated 7 July, 2017 in W.A.No.767 of 2017. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

- 1.The Secretary, Revenue Department,
The State of Tamil Nadu,
Fort St.George, Chennai - 600 009.
- 2.The Settlement Officer and
District Revenue Officer, Gudalur Janmam Lands,
Gudalur, Nilgiris District.
- 3.The District Collector,
Collectorate, Udhagamandalam, The Nilgiris.
- 4.The District Revenue Officer,
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O/o.The District Forest Officer, Gudalur
Nilgiris District.
- 6.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer, Gudalur
Nilgiris District.

+1 Cc to Mr.P. Chandrakumar, advocate sr 72139.
+1 CC to The Govt. Pleader sr 72075.

W.A No.899 of 2017

NMI (CO)
SP(10/11/2017)