

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2017

CORAM

The Honourable MR. JUSTICE M.DURAI SWAMY

Review Application No.276 of 2017
in
W.P.No.4743 of 2017

Gopal Srinivasan

[Applicant]

Vs

1. The District Collector of The Nilgiris
Collectorate, Udhagamandalam,
The Nilgiris.

2. The District Forest Officer,
Udhagamandalam (North)
Udhagamandalam,
The Nilgiris.

3. The Tahsildar,
Kotagiri, The Nilgiris.

4. M.Dharuman

[Respondents]

Review Application filed under Order 47 Rule 1 of the Code of Civil Procedure r/w Section 114 of the Code of Civil Procedure to review the order dated 06.04.2017 passed in W.P.No.4743 of 2017 and W.M.P.No.4964 of 2017.

For Petitioner

: Mr.S.R.Sundaram

For Respondents

: Mr.P.V.Selvakumar, SC

ORDER

Heard Mr.A.Abdul Hameed for M/s AAV Partners, learned counsel for the applicant, Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondents 1 and 3, Mr.M.Santhanaraman, learned Additional Government Pleader (Forest) appearing for the 2nd respondent and Mr.D.Selvam, learned counsel for the 4th respondent.

2. The Review Application has been filed by the 4th respondent in the writ petition to review the order dated 06.04.2017 passed in W.P.No.4743 of 2017.

3. The grievance of the applicant/4th respondent is that when the writ petition was dismissed by this Court, in paragraph No.2 of the order, this Court had recorded the submission made by the learned Additional Government Pleader appearing for the 2nd respondent stating that the application submitted by the applicant/4th respondent seeking permission to cut the trees standing in New R.S.No.737/2 and Old Survey No.426/2 was rejected on the ground that there is a Civil dispute between the writ petitioner and the applicant/4th respondent and that the submission made by the learned Additional Government Pleader was not correct and that the application submitted by the applicant/4th respondent is still pending with the 1st respondent.

4. Mr.M.Santhanaraman, learned Additional Government Pleader, appearing for the 2nd respondent also submitted that the representation was made by mistake on 06.04.2017 based a Short Mail Service (SMS) message received from the 2nd respondent. Further, the learned Additional Government Pleader submitted that the 2nd respondent had sent the application submitted by the applicant/4th respondent to the 1st respondent/District Collector.

5. Mr.D.Selvam, learned counsel appearing for the 4th respondent/writ petitioner submitted that the applications submitted by the applicant as well as the 4th respondent/writ petitioner are pending before the 1st respondent and therefore, the 1st respondent may be directed to dispose of both the applications in accordance with law.

6. The learned counsel appearing for the applicant/4th respondent also submitted that the 1st respondent may be directed to dispose of both the applications in accordance with law, within a time frame.

7. In view of the submissions made by the learned counsel on either side, I direct the 1st respondent to consider the applicant's/4th respondent's application dated 26.08.2016 and that of the 4th respondent/writ petitioner

dated 25.10.2016 and pass orders, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after giving an opportunity of personal hearing to the applicant as well as the 4th respondent.

With these observations, the review application is disposed of . No costs.

22.08.2017

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To

1. The District Collector of The Nilgiris
Collectorate, Udhagamandalam,
The Nilgiris.
2. The District Forest Officer,
Udhagamandalam (North)
Udhagamandalam,
The Nilgiris.
3. The Tahsildar,
Kotagiri, The Nilgiris.

The seal of the Madras High Court is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The gopuram is set against a background of green and yellow horizontal stripes. The words "HONORABLE COURT OF JUDICATURE MADRAS" are inscribed in a green circle around the central image. Below the seal, the motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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M. DURAISWAMY,J.

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