

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2017

CORAM :

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No.25639 of 2013

and

M.P.No.1 of 2013

P. Palaniyappan

... Petitioner

Vs.

The Forest Range Officer
Servarayan South Circle
Salem - 7.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondent from interfering with the petitioner's possession of land in S.No.2/2 to an extent of 2 acres situated at Thathiyangarpatti Village, Omalur Taluk, Salem District without authority of law and pass further orders.

For Petitioner : Mr. B. Nedunchezhiyan
(No Appearance)

For Respondent : Mr. N. Inbanathan

O R D E R

The petitioner has filed the present writ petition, forbearing the respondent from interfering with the possession of the land of the petitioner in S.No.2/2 to an extent of 2 acres situated at Thathiyangarpatti Village, Omalur Taluk, Salem District without authority of law.

2. Learned counsel for the petitioner submitted that the petitioner purchased the subject land from his vendor and is cultivating sugarcane. His vendor was in enjoyment of the said poramboke land and the petitioner is in possession of the subject land for more than 40 years. It is further submitted that the respondent claiming the subject land as a forest land, issued notice to the petitioner. Against the respondent, the petitioner filed a suit, which was subsequently renumbered as

O.S. No.20/1996 before the District Munsif of Omalur, seeking for permanent injunction. Since the suit was decreed in favour of the petitioner, the respondent filed an appeal in A.S. No.22/2006 before the Sub Court, Mettur. The appeal was allowed. Assailing the said order, the petitioner filed S.A. No. 1295/2007 before this Court and the same was pending. It is the grievance of the petitioner that although the respondent issued notice under Section 68A, no enquiry has been conducted, inspite of the specific orders of this Court. Aggrieved by the conduct of the respondent, the petitioner is before this Court.

3. Learned Government Advocate representing the respondent would submit that by judgment and decree dated 02.06.2016 in the appeal filed by the petitioner in S.A. No.1295/2007, this Court has set aside the judgment passed by the lower court on 08.06.2007 in A.S. No.22/2006 and confirmed the order of the trial court in O.S. No.20/1996. In the light of the aforesaid judgment and decree passed by this Court in S.A. 1295/2007 dated 02.06.2016, nothing survives in this writ petition and no further adjudication is necessary.

4. In view of the submission made by the learned Government Advocate, this writ petition is dismissed. Consequently, the connected M.P is closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

avr

To

The Forest Range Officer
Servarayan South Circle
Salem - 7.

+1cc to the Special Government Pleader(Forest), S.R.No.5944

W.P.No.25639 of 2013
and
M.P. No.1 of 2013

AK(CO)
CA(04/04/2017)