

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2019

CORAM :

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

C.R.P.(NPD)No.5075 of 2011

1.District Forest Officer,
Salem and Namakkal.

2.District Collector,
Namakkal.

...Petitioners

Vs.

Moorthy

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed by the Additional District Judge, Fast Track Court, Namakkal in I.A.No.702 of 2006 in Unnumbered CMA of 2006, dated 23.06.2011.

For Petitioners : Ms.Thangavadhana Balakrishnan
Additional Government Pleader(F)

For Respondent : No appearance

ORDER

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Challenging the fair and final order passed in I.A.No.702 of 2006 in Unnumbered CMA of 2006, on the file of the Additional District Court, Fast Track Court, Namakkal, the petitioners have filed the above Civil Revision Petition.

2. There was a delay of 1037 days in filing the appeal before the Additional District Court, Fast Track Court, Namakkal, challenging the order passed by the Forest Settlement Officer, Attur in F.S.C.No.809 of 2002, dated 27.5.2002.

3. In the affidavit filed in support of this petition, the petitioners have stated that they found it very difficult to trace and go through the fifty years case records and hence, there is a delay of 1037 days in filing the appeal.

4. Though notice served on the respondent and his name has been printed in the cause list, none appeared on his behalf.

5. The learned Additional Government Pleader (F) appearing for the petitioners submitted that in identical state of facts, this Court in a batch of Civil Revision Petitions in C.R.P.No.4150 of 2011 etc. batch, by order dated 21.11.2013, allowed the Civil Revision Petitions and condoned the delay in filing the appeal. The Additional Government Pleader (F) produced a copy of the order passed by this Court in batch of Civil Revision Petitions.

6. Since the facts leading to filing of this Civil Revision Petition is identical to the batch of Civil Revision Petitions, which were already allowed, following the order passed by this Court in batch of Civil Revision Petitions dated 21.11.2013, the fair and final order passed by the Additional District Court, Fast Track Court, Namakkal, is set aside and the application in I.A.No.702 of 2006, stands allowed. The Civil Revision Petition is allowed. No costs.

05.07.2019

Index : Yes / No

Internet : Yes

Speaking order / Non Speaking Order

ms

To

The Additional District Judge,
Fast Track Court,
Namakkal.

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M.DURAIWAMY, J.,

ms



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