

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2019

CORAM :

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

C.R.P.(NPD).Nos.4785 to 4804 of 2012

1.District Forest Officer,
Salem and Namakkal.

2.State of Tamil Nadu,
Rep. by District Collector,
Namakkal.

... Petitioners in all C.R.Ps

Vs.

K.Rajendran

... Respondent in C.R.P.4785/2012

M.Nallappan

... Respondent in C.R.P.4786/2012

N.Muthusamy

... Respondent in C.R.P.4787/2012

M.Annamalai

... Respondent in C.R.P.4788/2012

K.Ramajayam

... Respondent in C.R.P.4789/2012

M.Perumal

... Respondent in C.R.P.4790/2012

S.Karuppannan

... Respondent in C.R.P.4791/2012

J.Periyammal

... Respondent in C.R.P.4792/2012

R.Chinnasamy

... Respondent in C.R.P.4793/2012

A.Ganesan

... Respondent in C.R.P.4794/2012

K.Murugesan

... Respondent in C.R.P.4795/2012

P.Lakshmanan

... Respondent in C.R.P.4796/2012

P.Santhappan

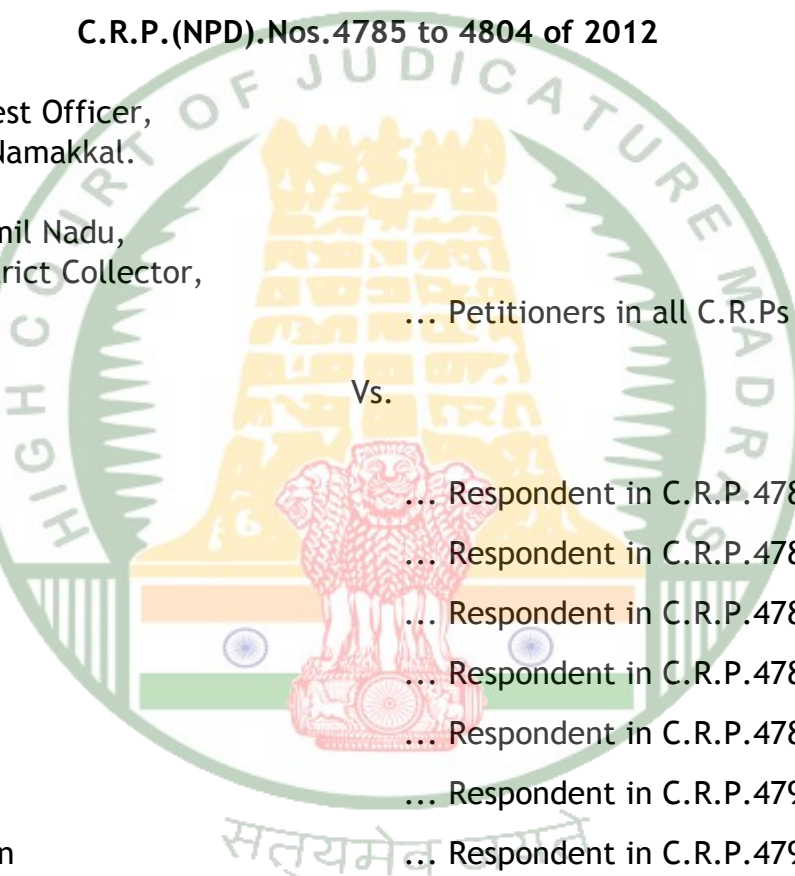
... Respondent in C.R.P.4797/2012

C.Raman

... Respondent in C.R.P.4798/2012

A.Palani

... Respondent in C.R.P.4799/2012



P.Arumugam	... Respondent in C.R.P.4800/2012
K.Anchalam	... Respondent in C.R.P.4801/2012
K.Kandasamy	... Respondent in C.R.P.4802/2012
A.Periyasamy	... Respondent in C.R.P.4803/2012
O.Varathan	... Respondent in C.R.P.4804/2012

C.R.P.No.4785 of 2012 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.62 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4786 of 2012 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.63 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4787 of 2012 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.64 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4788 of 2012 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.65 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4789 of 2012 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.112 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4790 of 2012 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.71 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4791 of 2012 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.152 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4792 of 2012 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.76 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4793 of 2012 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.100 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4794 of 2012 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.104

of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4795 of 2012 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.153 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4796 of 2012 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.105 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4797 of 2012 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.149 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4798 of 2012 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.148 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4799 of 2012 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.155 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4800 of 2012 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.156 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4801 of 2012 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.170 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4802 of 2012 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.157 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4803 of 2012 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.171 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4804 of 2012 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.172 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

For Petitioners : Ms.Thangavadhana Balakrishnan
(in all C.R.Ps) Additional Government Pleader(F)

For Respondents : No Appearance in all C.R.Ps

COMMON ORDER

Challenging the fair and final orders dated 23.06.2011 passed in the Interlocutory Applications in I.A.Nos.62 of 2006, 63 of 2006, 64 of 2006, 65 of 2006, 112 of 2006, 71 of 2006, 152 of 2006, 76 of 2006, 100 of 2006, 104 of 2006, 153 of 2006, 105 of 2006, 149 of 2006, 148 of 2006, 155 of 2006, 156 of 2006, 170 of 2006, 157 of 2006, 171 of 2006 and 172 of 2006 in Un-numbered C.M.A.Nos. of 2006 on the file of the Additional District Judge, Fast Track Court, Namakkal, the petitioners have filed the above Civil Revision Petitions.

2. There was a delay of more than 1000 days in filing the appeals before the Additional District Court, Fast Track Court, Namakkal, challenging the orders passed by the Forest Settlement Officer, Attur. The relevant F.S.C. Numbers and the date of the orders passed by the Forest Settlement Officer are tabulated as follows:-

C.R.P.Nos.	I.A.Nos.	F.S.C.Nos.	Date of the F.S.C. Order
4785 of 2012	62 of 2006	65 of 2002	26.03.2002
4786 of 2012	63 of 2006	66 of 2002	26.03.2002
4787 of 2012	64 of 2006	67 of 2002	26.03.2002
4788 of 2012	65 of 2006	68 of 2002	26.03.2002
4789 of 2012	112 of 2006	113 of 2002	26.03.2002

C.R.P.Nos.	I.A.Nos.	F.S.C.Nos.	Date of the F.S.C. Order
4790 of 2012	71 of 2006	73 of 2002	26.03.2002
4791 of 2012	152 of 2006	155 of 2002	26.03.2002
4792 of 2012	76 of 2006	78 of 2002	26.03.2002
4793 of 2012	100 of 2006	101 of 2002	26.03.2002
4794 of 2012	104 of 2006	105 of 2002	26.03.2002
4795 of 2012	153 of 2006	156 of 2002	26.03.2002
4796 of 2012	105 of 2006	106 of 2002	26.03.2002
4797 of 2012	149 of 2006	152 of 2002	26.03.2002
4798 of 2012	148 of 2006	151 of 2002	26.03.2002
4799 of 2012	155 of 2006	159 of 2002	26.03.2002
4800 of 2012	156 of 2006	160 of 2002	26.03.2002
4801 of 2012	170 of 2006	175 of 2002	26.03.2002
4802 of 2012	157 of 2006	161 of 2002	26.03.2002
4803 of 2012	171 of 2006	176 of 2002	26.03.2002
4804 of 2012	172 of 2006	177 of 2002	26.03.2002

3.In the affidavit filed in support of the applications, 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 more than 1000 days in filing the appeals.

4.In the above Civil Revision Petitions, though notices were sent to the respondents and they were duly served and their names have been printed in the cause list, none appeared on their 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.Nos.4150 of 2011 etc. batch, by order dated 21.11.2013, allowed the Civil Revision Petitions and condoned the delay in filing the appeals. The Additional Government Pleader (F) produced a copy of the order passed by this Court in the batch of Civil Revision Petitions.

6.Since the facts leading to the filing of these Civil Revision Petitions are identical to the batch of Civil Revision Petitions which were already allowed, following the order passed by this Court in the batch of Civil Revision Petitions dated 21.11.2013, the fair and final orders passed by the Additional District Court, Fast Track Court, Namakkal, are set aside and the applications in I.A.Nos.62 of 2006, 63 of 2006, 64 of 2006, 65 of 2006, 112 of 2006, 71 of 2006, 152 of 2006, 76 of 2006, 100 of 2006, 104 of 2006, 153 of 2006, 105 of 2006, 149 of 2006, 148 of 2006, 155 of 2006, 156 of 2006, 170 of 2006, 157 of 2006, 171 of 2006 and 172 of 2006 are allowed. The Civil Revision Petitions are allowed. No costs.

Index : Yes / No
Speaking / Non Speaking Order
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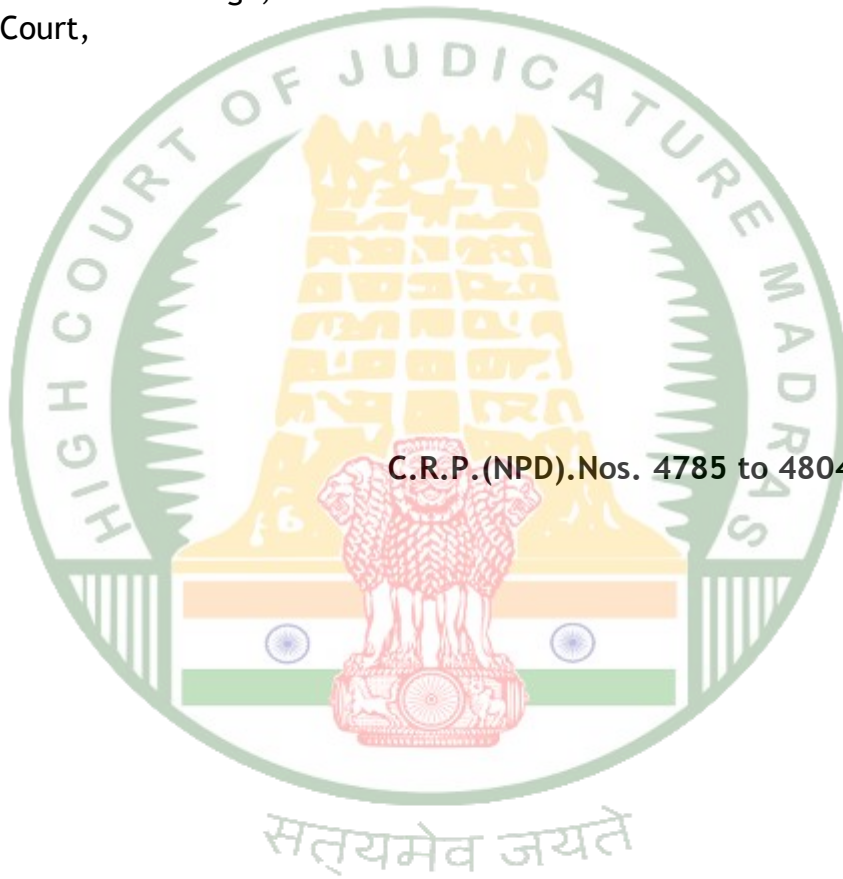
25.11.2019

M.DURAISWAMY, J.

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To

The Additional District Judge,
Fast Track Court,
Namakkal.



C.R.P.(NPD).Nos. 4785 to 4804 of 2012

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