

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2019

CORAM :

THE HON'BLE MR. JUSTICE M.DURAISWAMY

C.R.P. (NPD) .Nos.1893 to 1896, 1900 & 1908 of 2013

1.District Forest Officer,
Salem and Namakkal.

2.State of Tamil Nadu,
Rep. by District Collector,
Namakkal. Petitioners in all C.R.Ps

Vs.

D.Manickam Respondent in C.R.P.1893/2013
P.Veeramuthu Respondent in C.R.P.1894/2013
P.Murugesan Respondent in C.R.P.1895/2013
S.Subramaniyan Respondent in C.R.P.1896/2013
R.Kandasamy Respondent in C.R.P.1900/2013
P.Solamuthu Respondent in C.R.P.1908/2013

C.R.P.No.1893 of 2013 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.526 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.1894 of 2013 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.527 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.1895 of 2013 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.529 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.1896 of 2013 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.531 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.1900 of 2013 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.656 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track

Court, Namakkal.

C.R.P.No.1908 of 2013 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.814 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

C O M M O N O R D E R

Challenging the fair and final orders dated 23.06.2011 passed in the Interlocutory Applications in I.A.Nos.526, 527, 529, 531, 656 and 814 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
1893 of 2013	526 of 2006	546 of 2002	27.03.2002
1894 of 2013	527 of 2006	547 of 2002	27.03.2002
1895 of 2013	529 of 2006	549 of 2002	27.03.2002
1896 of 2013	531 of 2006	551 of 2002	27.03.2002
1900 of 2013	656 of 2006	765 of 2002	20.05.2002
1908 of 2013	814 of 2006	930 of 2002	03.06.2002

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, except in C.R.P.No.4033 of 2013.

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.526, 527, 529, 531, 656 and 814 of 2006 are allowed. The Civil Revision Petitions are allowed. No costs.

-s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

va
To

The Additional District Judge,
Fast Track Court,
Namakkal.

Copy to
The Section officer
VR Section
High Court, Madras 104.

+1 CC to The Spl. Govt. Pleader sr 86697.

C.R.P. (NPD) .Nos.1893 to 1896,
1900 & 1908 of 2013

GJII (CO)
SP(11/11/2019)