

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2019

CORAM :

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

**C.R.P. (NPD) Nos.3994, 3996, 3997, 4001,
4005 to 4011, 4013 to 4015 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.

Palani	... Respondent in CRP (NPD) No.3994 of 2013
Manimekalai	... Respondent in CRP (NPD) No.3996 of 2013
Kasi	... Respondent in CRP (NPD) No.3997 of 2013
Unnamalai	... Respondent in CRP (NPD) No.4001 of 2013
Kuppusamy	... Respondent in CRP (NPD) No.4005 of 2013
Periyasamy	... Respondent in CRP (NPD) No.4006 of 2013
Alagappan	... Respondent in CRP (NPD) No.4007 of 2013
Rajammal	... Respondent in CRP (NPD) No.4008 of 2013
Selvaraj	... Respondent in CRP (NPD) No.4009 of 2013
Thirumalayaye	... Respondent in CRP (NPD) No.4010 of 2013
Periyasamy	... Respondent in CRP (NPD) No.4011 of 2013
Balakrishnan	... Respondent in CRP (NPD) No.4013 of 2013
Periyasamy	... Respondent in CRP (NPD) No.4014 of 2013
Kuppa Gounder	... Respondent in CRP (NPD) No.4015 of 2013

Prayer in CRP (NPD) No.3994 of 2013 : 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.789 of 2006 in Unnumbered C.M.A. of 2006, dated 23.06.2011.

Prayer in CRP (NPD) No.3996 of 2013 : 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.380 of 2006 in Unnumbered C.M.A. of 2006, dated 23.06.2011.

Prayer in CRP (NPD) No.3997 of 2013 : 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.450 of 2006 in Unnumbered C.M.A. of 2006, dated 23.06.2011.

Prayer in CRP (NPD) No.4001 of 2013 : 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.510 of 2006 in Unnumbered C.M.A. of 2006, dated 23.06.2011.

Prayer in CRP (NPD) No.4005 of 2013 : 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.717 of 2006 in Unnumbered C.M.A. of 2006, dated 23.06.2011.

Prayer in CRP (NPD) No.4006 of 2013 : 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.718 of 2006 in Unnumbered C.M.A. of 2006, dated 23.06.2011.

Prayer in CRP (NPD) No.4007 of 2013 : 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.724 of 2006 in Unnumbered C.M.A. of 2006, dated 23.06.2011.

Prayer in CRP (NPD) No.4008 of 2013 : 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.725 of 2006 in Unnumbered C.M.A. of 2006, dated 23.06.2011.

Prayer in CRP (NPD) No.4009 of 2013 : 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.727 of 2006 in Unnumbered C.M.A. of 2006, dated 23.06.2011.

Prayer in CRP (NPD) No.4010 of 2013 : 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.730 of 2006 in Unnumbered C.M.A. of 2006, dated 23.06.2011.

Prayer in CRP (NPD) No.4011 of 2013 : 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.747 of 2006 in Unnumbered C.M.A. of 2006, dated 23.06.2011.

Prayer in CRP (NPD) No.4013 of 2013 : 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.750 of 2006 in Unnumbered C.M.A. of 2006, dated 23.06.2011.

Prayer in CRP (NPD) No.4014 of 2013 : 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.755 of 2006 in Unnumbered C.M.A. of 2006, dated 23.06.2011.

Prayer in CRP (NPD) No.4015 of 2013 : 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.758 of 2006 in Unnumbered C.M.A. of 2006, dated 23.06.2011.

For Petitioners : Ms.Thangavadhana Balakrishnan
Additional Government Pleader(F)
in all Civil Revision Petitions

For Respondents : No Appearance in all CRPs

COMMON ORDER

Challenging the fair and final orders dated 23.06.2011 passed in Interlocutory Applications in I.A. Nos.789, 380, 450, 510, 717, 718, 724, 725, 727, 730, 747, 750, 755 and 758 of 2006 in Unnumbered C.M.A. 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
3994/2013	789/2006	236/2002	26.03.2002
3996/2013	380/2006	398/2002	27.03.2002
3997/2013	450/2006	468/2002	27.03.2002
4001/2013	510/2006	529/2002	27.03.2002
4005/2013	717/2006	824/2002	27.05.2002
4006/2013	718/2006	825/2002	27.05.2002
4007/2013	724/2006	831/2002	27.05.2002
4008/2013	725/2006	832/2002	27.05.2002
4009/2013	727/2006	841/2002	27.05.2002
4010/2013	730/2006	844/2002	27.05.2002
4011/2013	747/2006	863/2002	03.06.2002
4013/2013	750/2006	866/2002	03.06.2002
4014/2013	755/2006	871/2002	03.06.2002
4015/2013	758/2006	874/2002	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.The notices sent to the respondents were duly served and their names have been printed in the cause list, however, 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.789, 380, 450, 510, 717, 718, 724, 725, 727, 730, 747, 750, 755 and 758 of 2006 are allowed. Consequently, these Civil Revision Petitions are allowed. No costs.

20.11.2019

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Index : Yes / No
Internet : Yes / No
Speaking order / Non Speaking Order

To

The Additional District Judge,
Fast Track Court,
Namakkal.

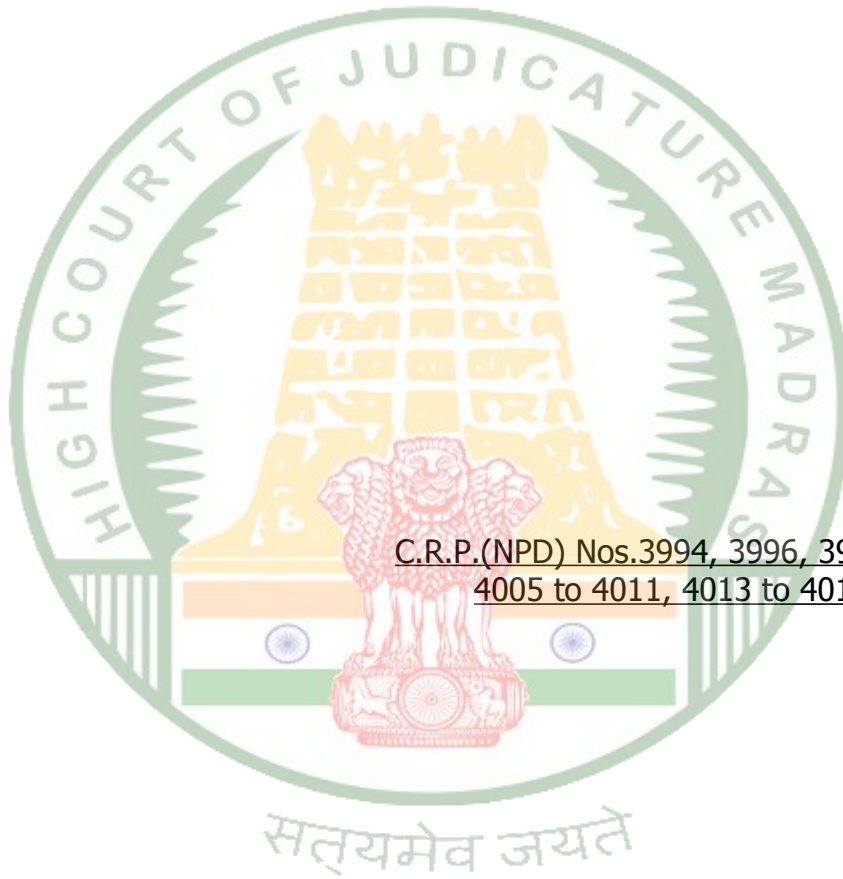


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M.DURAI SWAMY, J.

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