

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2019

CORAM :

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

C.R.P. (NPD).Nos.4016, 4018, 4035,
4036 of 2013 and 2086 of 2014

1.District Forest Officer,
Salem and Namakkal.

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

.... Petitioners in all C.R.Ps

Vs.

Ramasamy Respondent in C.R.P.4016/2013
Pappathi Respondent in C.R.P.4018/2013
Mariammal Respondent in C.R.P.4035/2013
Ramasamy Respondent in C.R.P.4036/2013
Chandra Respondent in C.R.P.2086/2014

C.R.P.No.4016 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.759 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4018 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.766 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4035 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.1054 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4036 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.1060 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.2086 of 2014 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.06.2011 made in I.A.No.1059 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.759, 766, 1054, 1060 and 1059 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
4016 of 2013	759 of 2006	875 of 2002	03.06.2002
4018 of 2013	766 of 2006	882 of 2002	03.06.2002
4035 of 2013	1054 of 2006	1163 of 2002	22.07.2002
4036 of 2013	1060 of 2006	1169 of 2002	22.07.2002
2086 of 2014	1059 of 2006	1168 of 2002	22.07.2002

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.759, 766, 1054, 1060 and 1059 of 2006 are allowed. The Civil Revision Petitions are allowed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Additional District Judge,
Fast Track Court, Namakkal.

+1 cc to The Government Pleader Sr.Nos. 88347 & 88348

AKM/28.11.19/3P-3C /

सत्यमेव जयते
C.R.P. (NPD).Nos.4016, 4018, 4035,
4036 of 2013 and 2086 of 2014

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