

C.R.P.(NPD).Nos.4017, 4019 to 4029, 4031 to 4034,
4037, 4039 and 4048 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2019

CORAM :

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

**C.R.P.(NPD).Nos.4017, 4019 to 4029, 4031 to 4034,
4037, 4039 and 4048 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.

Kaliammal

... Respondent in C.R.P.4017/2013

Anandhan

... Respondent in C.R.P.4019/2013

Bakiyam

... Respondent in C.R.P.4020/2013

Prabakaran

... Respondent in C.R.P.4021/2013

Thangammal

... Respondent in C.R.P.4022/2013

Rajathiee

... Respondent in C.R.P.4023/2013

Manickam

... Respondent in C.R.P.4024/2013

Chinnadurai

... Respondent in C.R.P.4025/2013

Chakaravarthy

... Respondent in C.R.P.4026/2013

Sumathi

... Respondent in C.R.P.4027/2013

Marimuthu

... Respondent in C.R.P.4028/2013

Manickam

... Respondent in C.R.P.4029/2013

Thangaraj

... Respondent in C.R.P.4031/2013

Mohan	... Respondent in C.R.P.4032/2013
Mani	... Respondent in C.R.P.4033/2013
Karupannan	... Respondent in C.R.P.4034/2013
Chinnappa Gounder	... Respondent in C.R.P.4037/2013
Sekar	... Respondent in C.R.P.4039/2013
Sakthivel	... Respondent in C.R.P.4048/2013

C.R.P.No.4017 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.760 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4019 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.773 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4020 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.774 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4021 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.780 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4022 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.784 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4023 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.786 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4024 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.789 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4025 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.791 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4026 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.796 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4027 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.819

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

C.R.P.No.4028 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.834 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4029 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.847 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4031 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.871 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4032 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.879 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4033 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.895 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4034 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.1005 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4037 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.1081 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4039 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.1093 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

C.R.P.No.4048 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.855 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
Except in C.R.P.No.4033/2013 -
Mr.V.Thirupathi

COMMON ORDER

Challenging the fair and final orders dated 23.06.2011 passed in the Interlocutory Applications in I.A.Nos.760 of 2006, 773 of 2006, 774 of 2006, 780 of 2006, 784 of 2006, 786 of 2006, 789 of 2006, 791 of 2006, 796 of 2006, 819 of 2006, 834 of 2006, 847 of 2006, 871 of 2006, 879 of 2006, 895 of 2006, 1005 of 2006, 1081 of 2006, 1093 of 2006 and 855 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
4017 of 2013	760 of 2006	876 of 2002	03.06.2002
4019 of 2013	773 of 2006	889 of 2002	03.06.2002
4020 of 2013	774 of 2006	890 of 2002	03.06.2002
4021 of 2013	780 of 2006	896 of 2002	03.06.2002
4022 of 2013	784 of 2006	900 of 2002	03.06.2002
4023 of 2013	786 of 2006	902 of 2002	03.06.2002

C.R.P.Nos.	I.A.Nos.	F.S.C.Nos.	Date of the F.S.C. Order
4024 of 2013	789 of 2006	905 of 2002	03.06.2002
4025 of 2013	791 of 2006	907 of 2002	03.06.2002
4026 of 2013	796 of 2006	912 of 2002	03.06.2002
4027 of 2013	819 of 2006	935 of 2002	03.06.2002
4028 of 2013	834 of 2006	949 of 2002	10.07.2002
4029 of 2013	847 of 2006	962 of 2002	10.07.2002
4031 of 2013	871 of 2006	987 of 2002	10.07.2002
4032 of 2013	879 of 2006	995 of 2002	10.07.2002
4033 of 2013	895 of 2006	1014 of 2002	10.07.2002
4034 of 2013	1005 of 2006	1109 of 2002	15.07.2002
4037 of 2013	1081 of 2006	1198 of 2002	30.07.2002
4039 of 2013	1093 of 2006	1211 of 2002	30.07.2002
4048 of 2013	855 of 2006	970 of 2002	10.07.2002

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.760 of 2006, 773 of 2006, 774 of 2006, 780 of 2006, 784 of 2006, 786 of 2006, 789 of 2006, 791 of 2006, 796 of 2006, 819 of 2006, 834 of 2006, 847 of 2006, 871 of 2006, 879 of 2006, 895 of 2006, 1005 of 2006, 1081 of 2006, 1093 of 2006 and 855 of 2006 are allowed. The Civil Revision Petitions are allowed. No costs.

Index : Yes / No
Speaking / Non Speaking Order
va

03.10.2019

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4037, 4039 and 4048 of 2013

M.DURAIWAMY, J.

va

To

The Additional District Judge,
Fast Track Court,
Namakkal.



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