

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2020

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.13394 of 2019

S.Anthony Joseph

.. Petitioner

Vs.

1. Tamil Nadu Forest Plantation Corporation Ltd.
Rep. by its Managing Director,
Karur Road, Mallachipuram,
Kambarasampettai,
Tiruchirapalli-620 101.

2. The Regional Manager,
Tamil Nadu Forest Plantation Corporation Ltd.
Virudhachalam Range,
450/1, Periyar Nagar (S),
Virudhachalam-606 001.
Cuddalore District.

.. Respondents

* * *

Prayer : Writ Petitions filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to issue confirmation order to the petitioner confirming the auction dated 09.01.2019 in his favour in pursuance of which the petitioner has paid the auction amount of Rs.4,01,000/- for collection of cashew nuts in an extent of 18 Hectares in Unit No.64(A), Narumanam, Virudhachalam Range, Cuddalore District.

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For Petitioner : Mr.J.Antony Jesus

For Respondents : Mr.Vijay Prasanth
Special Government Pleader (Forest)

ORDER

The prayer of the petitioner is to direct the respondents to issue confirmation order to the petitioner confirming the auction dated 09.01.2019 in his favour in pursuance of which the petitioner has paid the auction amount of Rs.4,01,000/- for collection of cashew nuts in an extent of 18 Hectares in Unit No.64(A), Narumanam, Virudhachalam Range, Cuddalore District.

2. A counter-affidavit has been filed on 03.11.2020 by the second respondent, wherein, it has been stated that the petitioner was issued the invoice No.299, dated 08.05.2019 confirming the sale of usufruct to the petitioner, since the usufructs like cashew apple and cashew nuts have already been fallen on the ground on complete ripening and susceptible for rot and theft. It is also stated that by considering the report of the second respondent, the first respondent had confirmed the sale of usufructs of 1994 Narimanam CRA 18.00 Hectare to the petitioner on 08.05.2019. The Work Order was also issued to him on 22.05.2019 by the second respondent on 22.05.2019. Admittedly, the said Work Order and sale confirmation was communicated to the petitioner.

3. If the petitioner is aggrieved that the Work Order was issued belatedly, he should have immediately approached this Court challenging the same. However, he has not done so. Considering the scope of the

writ petition, which is only for issuance of the confirmation of auction sale, which had already been done, the prayer sought for in this writ petition has become infructuous.

4. In view of the above position, this writ petition is closed and it is open to the petitioner to take any action that he may be advised. No costs. Consequently, connected miscellaneous petition is closed.

06.11.2020

Index : Yes / No

Internet: Yes

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To

1. The Managing Director,
Tamil Nadu Forest Plantation Corporation Ltd.
Karur Road, Mallachipuram,
Kambarasampettai,
Tiruchirapalli-620 101.
2. The Regional Manager,
Tamil Nadu Forest Plantation Corporation Ltd.
Virudhachalam Range,
450/1, Periyar Nagar (S),
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Cuddalore District.

PUSHPA SATHYANARAYANA, J.

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