



W.P.No. 27966 of 2019

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 11.10.2022**

**CORAM**

**THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU**

**W.P.No. 27966 of 2019**

C.Jayaraman

... Petitioner

-VS-

1. The State of Tamil Nadu,  
Rep.by its Secretary to Government,  
Environment and Forest Department,  
Fort St.George, Chennai - 9.
  2. The Principal Chief Conservator of Forest,  
Panagal Building,  
Saidapet, Chennai - 15.
  3. The District Forest Officer,  
Thiruvannamalai Forest Division,  
Thiruvannamalai.
- Respondents

...

**Prayer:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to call for the records of the Second Respondent in Na.Ka. No. S1/48559/2011 dated 25.06.2019 and to quash the same and with consequential direction to the Second Respondent to repay the amount Rs. 10,000/- with interest within time frame.

For Petitioner : Ms. K.Jenitha

For Respondents : T.Arunkumar,



W.P.No. 27966 of 2019

Additional Government Pleader

WEB COPY

## ORDER

Heard Ms. K.Jenitha, Learned Counsel for the Petitioner and Mr. T.Arunkumar, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner could not satisfactorily account or produce any permission or licence for illegal and unauthorized possession of 55 pieces of timber during sudden inspection conducted on 24.08.1988 by the Forest Protection Squad headed by the Assistant Conservator of Forest. In that backdrop, Case No. 145 of 1988 had been registered against the Petitioner for commission of offences under Sections 21(d), (e) and (f) of the Tamil Nadu Forest Act, 1882, and he paid a compounding fee of Rs. 10,000/- that had been fixed for the same. Long thereafter, the Petitioner is said to have made a representation dated 07.10.1996 to the Second Respondent for returning the compounding fee of Rs. 10,000/- that was paid by him, which was directed to be considered within a period of four weeks in accordance with law by order dated 19.08.2002 in W.P. No. 33286 of 2002 passed by the Court. As the Second Respondent by Order in



W.P.No. 27966 of 2019

Na.Ka. No. S1/48559/2011 dated 25.06.2019 rejected the claim of the

Petitioner for refund of the compounding fee stating that there is no provision for the same, it is challenged in this Writ Petition.

3. At this juncture, it must be pointed out that as per Section 55(2) of the Tamil Nadu Forest Act, 1882, on payment of compounding fee, the accused person, if in custody, shall be discharged, the property seized shall be released and no further proceedings shall be taken against such person or property. It would assume significance from clause (8) of Section 320 of the Code of Criminal Procedure, 1973, that the composition of an offence under that Section shall have the effect of acquittal of the accused with whom the offence has been compounded. It is borne out of the record that though charge-memo had been issued on 08.09.1989 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, to the Petitioner for his involvement in the said offences, it had been dropped on 11.05.2004 by the then District Forest Officer. Viewed from that perspective, if the Petitioner was not then willing to pay the compounding fee of Rs. 10,000/-, he should have faced the consequences flowing from the prosecution for offences in respect of which he has been charge-sheeted. Having derived all those benefits by making payment of the compounding fee in the year 1988, the Petitioner could not permitted to resile



W.P.No. 27966 of 2019

therefrom by submitting a representation in the year 1996 for return of that amount. The inordinate delay and unexplained laches in resorting to that course of action further militates against the Petitioner for grant of relief to him. The Hon'ble Supreme Court of India in *C.Jacob -vs- Director of Geology and Mining* [(2008) 10 SCC 115) has held by making a representation for revival of a stale claim, it cannot give rise to any fresh cause of action. As such, there does not appear to be any infirmity in the impugned order passed by the Second Respondent warranting interference by this Court in exercise of discretionary powers of judicial review of the decision-making process under Article 226 of the Constitution.

4. In the result, the Writ Petition, which is devoid of merits, is dismissed. No costs.

11.10.2022

kv

Index: Yes/No

**Note: Issue order copy by 11.11.2022.**

To

1. The Secretary to Government,  
The State of Tamil Nadu,



W.P.No. 27966 of 2019

Environment and Forest Department,  
Fort St.George, Chennai - 9.

WEB COPY

2. The Principal Chief Conservator of Forest,  
Panagal Building,  
Saidapet, Chennai - 15.
3. The District Forest Officer,  
Thiruvannamalai Forest Division,  
Thiruvannamalai.



WEB COPY



**W.P.No. 27966 of 2019**

**P.D. AUDIKESAVALU, J.**

kv

**W.P.No. 27966 of 2019**

**11.10.2022**