



W.P. (MD) No. 25222 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

W.P. (MD) No. 25222 of 2018

V.Ramakrishnan

... Petitioner

Vs.

- 1.The Principal Secretary,
Forest and Environment Department,
St.George Fort, Chennai.
- 2.The Principal Chief Conservator of Forest,
No.1, Geenis Road, Panagal Mazhigai,
Saidapet, Chennai.
- 3.The District Collector,
Tirunelveli.
- 4.The Conservator,
Tirunelveli Region,
Tirunelveli.
- 5.The Divisional Forest Officer,
Social Forestry Division,
N.G.O.Colony, North Main Street,
Tirunelveli.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 to refund the sale amount of Rs.13,76,158/- together with interest upon adjusting the value of trees fell by the petitioner during 06/03/2016 to 17/04/2016.

For Petitioner : Mr. T.Lajapathi Roy
For Respondents : Mr. D.Gandhiraj
Special Government Pleader

ORDER

Learned Counsel for the Petitioner seeks permission of this Court to withdraw this Writ Petition with liberty to the Petitioner to seek the relief sought by invoking Clause 57 of the Contract between the parties, which reads as follows:-

“57. In case of any dispute arising between the Divisional Forest Officer and the Contractor/President as to any matter under this agreement other than one as to which the decision of the Divisional Forest Officer is hereby declared to be final such dispute shall be referred to the Collector of the district within two months from the date of receipt of the order of the Divisional Forest



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Officer and the Collector's decision thereon shall be final.”

He had also made an endorsement to that effect in the court record.

In fine, the Writ Petition is dismissed as withdrawn, granting such liberty. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 20.12.2018, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, the connected Miscellaneous Petition is closed. No costs.

23.12.2022

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Index : Yes/No

Internet : Yes/No

SM

Note : Issue copy of the order by 30.01.2022

To

1. The Principal Secretary,
Forest and Environment Department,
St. George Fort, Chennai.

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4.The Conservator,
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P.D.AUDIKESAVALU,J.

SM

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