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Writ Petition No.32905 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20/1/2023

C O R A M

THE HONOURABLE Mr.JUSTICE N. SATHISH KUMAR

Writ Petition No.32905 of 2023

a n d

M.P.Nos.1 and 2 of 2013

1. Syed Dasthagir
 2. Naushad
 3. K. Shanthi
 4. Khursheed Begum
- ... Petitioners

Vs

1. The Commissioner
for Land Administration
Chepauk
Chenani 600 005.
 2. The Secretary to Government of Tamil Nadu
Environment and Forest Department
Secretariat
Chenani 600 009.
 3. The District Forest Officer
District Forest Office
Chengalpattu Division
Kancheepuram District.
 4. The Tahsildar
Tambaram Taluk, Tambaram
Chennai.
 5. The Civilian Gazetted Officer
Office of the District Solidors
Sailors and Airmans Board (DSSAB)
Chennai 600 017.
- ... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the entire records in pursuant to G.O.Ms.No.52 Environment and Forest (Fr.14) dated 9/4/2007 published vide Notification No.15 Part II Section 2 dated 18/4/2007 in the Tamil Nadu Government Gazette and quash the same and consequently, direct the respondents to restore the possession of Plot Nos.XXI, B-13, B-5, B-6 and B-3 comprised in S.No.657/3A3, Pallikarnai Village, Tambaram Taluk, Kancheepuram District to the petitioners respectively within a stipulated time.

For Petitioner	...	Mr.T.P.Prabakaran
For respondents	...	Mrs.R.Anitha
		Special Government Pleader
		for R.R.1 to 4

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ORDER

This writ petition has been filed to quash G.O.Ms.No.52 Environment and Forest (Fr.14) dated 9/4/2007 and consequently, direct the respondents to restore the possession of Plot Nos.XXI, B-13, B-5, B-6 and B-3 comprised in S.No.657/3A3, Pallikarnai Village, Tambaram Taluk, Kancheepuram District to the petitioners respectively.

2. Heard Mr.T.P.Prabakaran, learned counsel for the petitioners and Mrs.R.Anitha, learned Special Government Pleader for the respondents 1 to 4.



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3. Today, when the matter is taken up for hearing, learned Special Government Pleader appearing for the respondents 1 to 4 submitted that on an earlier occasion, this Court has upheld the validity of G.O.Ms.No.52 Environment and Forest (Fr.14) dated 9/4/2007. To substantiate her statement, produced the copy of the order, dated 7/3/2012, made in W.P.Nos.17233, 20469 and 21261 of 2009. It is also stated by both sides that no appeal has been filed.

4. In such a view of the matter, this Court is of the considered view that once the Court has upheld G.O.Ms.No.52 Environment and Forest (Fr.14) dated 9/4/2007, and the same has reached the finality, again and again, the said G.O., cannot be challenged before this Court.

5. Accordingly, this writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

20/1/2023

Index : Yes / No

Internet: Yes

Speaking/non speaking order

Neutral Citation: Yes/No

mvs.



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To

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N. SATHISH KUMAR, J
mvs.

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