



C.R.P. No. 2148 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.07.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN
C.R.P. No. 2148 of 2023

Palani

...Petitioner

.Vs.

1. The Conservator of Forest
Pennagaram Reserve Forest,
Pennagaram

2. The District Forest Officer,
District Forest Office,
Dharmapuri.

3. The Principal Chief Conservator of Forest
Office of Principal Chief Conservator of Forest,
Panagal Building, Saidapet, Chennai

...Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to direct the Principal District and Sessions Judge, Dharmapuri Judge to number the appeal in Sr.No.121 of 2023.

For Petitioner : Mr. A.Sathasivam

For Respondents : Mr.S.P.Karthik (Government Advocate)



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ORDER

This petition is filed to direct the Principal District and Sessions Judge, Dharmapuri Judge to number the appeal in Sr.No.121 of 2023.

2. The learned Government Pleader takes notice for the official respondent. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner and their predecessors were in enjoyment and possession of the subject land for more than 4 decades and they are paying taxes due to the Government without any default. Hence the petitioner filed a petition before the second respondent seeking possessory right under the provisions of Section 10 of the Tamil Nadu Forest Act 1882. Thereafter, the respondent has issued notice under Section 68-A of the Tamil Nadu Forest act, 1882 treating the petitioner as encroacher. Hence the petitioner filed a writ petition before this Court in WP.No.16957 of 2022 and the same is disposed on 05.07.2022, directing the second respondent to consider the petitioner's representation and pass orders within a period of six weeks from the date of receipt of a copy of this order. Pursuant to which the second respondent erroneously



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passed an order on 10.05.2022 in Om.No.6522/2022, wherein the petitioner's claim was rejected. Challenging the same, the petitioner has filed an appeal before the District and Sessions Court Dharmapuri and the same was returned. Hence this petition.

4. The learned counsel for the petitioner submitted that it would be suffice if a direction is issued to the Principal District and Sessions Judge, Dharmapuri Judge to number the appeal in Sr.No.121 of 2023.

5. Before arriving at a conclusion it would be relevant to give a fair reading on the Section 10(2) of Tamil Nadu Forest Act, 1882 and the same is extracted hereunder:

Rejected claims-Appeals- if such claim is rejected wholly or in part, the claimants may within thirty days from the date of the order, prefer an appeal to the District Court in respect of such rejection only.

6. In view of the above, it is made clear that the appeal filed by the petitioner is as per the provisions of the law and the learned Principal District and Sessions Judge, Dharmapuri Judge is directed to number the appeal filed by the petitioner in Sr.No.121 of 2023 within a period of three weeks from the date of receipt of a copy of this order.



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7. Accordingly this Civil Revision petition is allowed. No order as to costs.

06.07.2023

smn

Index : Yes/No

Internet: Yes/No

Note: Registry is directed to return the original papers to the petitioner.

To.

1. The Conservator of Forest
Pennagaram Reserve Forest,
Pennagaram

2. The District Forest Officer,
District Forest Office,
Dharmapuri.

3. The Principal Chief Conservator of Forest
Office of Principal Chief Conservator of Forest,
Panagal Building, Saidapet, Chennai



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V.BHAVANI SUBBAROYAN,J.
Smn

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