



WEB COPY



C.R.P.No.4521 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.4521 of 2023

and

C.M.P.No. 27075 of 2023

1. Samipillai
2. S.esiammal
3. Kokila
4. Arivin
5. Elango

... Petitioners

-Vs-

1. The District Forest Officer,
District Forest Office at Thirupathur,
Thirupathur Taluk,
Thirupathur Dt.

2. The Forest Officer,
Thirupathur Forest Ranger,
Thirupathur Dt.

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 04.11.2023 passed in I.A.No.4 of 2023 in A.S. No.12 of 2023, on the file of the Sub-Court, Thirupathur, Vellore Dt.



WEB COPY



C.R.P.No.4521 of 2023

For Petitioner : Mr.R.Ramesh
For Respondents : Mr. B.Tamilnidhi,
Addl. Govt. Pleader (C.S.)

ORDER

Challenging the impugned order passed in I.A.No.4 of 2023 in A.S.No.12 of 2023 passed by the learned Sub-Judge, Thirupathur, Vellore District the Revision Petitioners/Appellants preferred this Civil Revision Petition.

2. Before the trial court, the Revision Petitioners filed a suit in O.S.No.182 of 2018 seeking for the relief of permanent injunction against forest officials. The defendants contested the suit. On considering both side submissions, the trial judge dismissed the suit holding that the suit property was classified as forest land as per 'A' register and they were not in possession of the property. Against which, they preferred an appeal in A.S.No.12 of 2023. During the pendency of appeal, they filed an application to appoint an advocate commissioner to note down the physical features and also to find out the nature of cultivation of crops in the property. That application was dismissed by the appellate judge holding that to collect evidence, the said application was filed by the appellant as



C.R.P.No.4521 of 2023

such is not acceptable one. Challenging the said findings, the Revision Petitioners/appellants preferred this Civil Revision Petition.

3. Records perused. On perusal of records, it reveals that the lands are belong to forest department and as per 'A' register extract, the property is under the custody of forest officials. Therefore, the application filed by the appellants as such is not maintainable. Even on perusal of entire facts, it reveals that the Revision Petitioners have filed a suit for permanent injunction. According to the findings of trial judge, the revision petitioners are not in possession of the land and the land is belong to forest department. If at all, the property is belong to Revision Petitioners and the same is not classified as forest lands, they are directed to putforth their contentions before the appellate court. Therefore, the application filed by the Revision Petitioners as such is not maintainable, thereby, the appellate judge has rightly dismissed the application, which needs no interference. Accordingly, this Civil Revision Petition is dismissed as no merit. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

14.12.2023

rpp
To
Sub-Court, Thirupathur.



WEB COPY



C.R.P.No.4521 of 2023

T.V.THAMILSELVI, J.

rpp

C.R.P.No.4521 of 2023

14.12.2023