



WEB COPY



W.A.No.3586 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2023

CORAM

THE HON'BLE Mr. JUSTICE R.SURESH KUMAR  
AND  
THE HON'BLE Mr. JUSTICE C.KUMARAPPAN

W.A.No.3586 of 2019 and  
C.M.P.No.23012 of 2019

1.The Government of Tamil Nadu,  
Rep. By its Secretary,  
Environment & Forest Department,  
Fort St. George, Chennai – 9.

2.The Principal Chief Conservator of Forests,  
Panagal Building, Saidapet, Chennai 15.

3.The District Forest Officer,  
Vellore District,  
Vellore.

... Appellants

Vs.

1.R.Mani

2.C.Munusamy

... Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent Act, praying  
to set aside the order dated 26.02.2014 made in W.P.No.5935 of 2014.

For Appellants : Mr.K.V.Sajeev Kumar  
Special Government Pleader

For Respondents : No appearance



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## **JUDGMENT**

WEB COPY (Judgment of the Court was delivered by R.SURESH KUMAR, J.)

This appeal has been directed against the order dated 26.02.2014 made in W.P.No.5935 of 2014.

2. Before the Writ Court, though a larger prayer has been sought for to the extent of seeking for a writ of mandamus to the respondents therein who are the appellants herein to appoint the writ petitioners in the post of Forest Watcher by giving relaxation in respect of height with effect from 07.08.2009 within a time frame, while disposing the writ petition, the learned Judge has given direction in paragraph 6 of the impugned order only to the following effect:

*“6.Though the petitioners have sought for a larger relief in this writ petition, without going into the merits of the claim of the petitioners, this Court directs the respondents to consider the representation of the petitioners dated 20.01.2014 and pass appropriate orders in the light of the order of this Court dated 04.12.2012 made in W.P.No.6327 of 2005, within a period of four weeks from the date of receipt of the copy of this order.”*



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3. Despite the innocuous, direction that has been given to consider the representation of the writ petitioners dated 20.01.2014 and to pass appropriate orders in the light of the order passed by the Court in W.P.No.6327 of 2005 dated 04.12.2012, feeling aggrieved over the same, the present appeal has been filed.

4. Because of the pendency of this appeal from 2019 as it was filed in 2014 and numbered in 2019, the direction of the learned Judge seems to have not been complied with.

5. We have heard Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the appellants.

6. We do not find any merit in this appeal because the learned Judge in the impugned order has just given a direction to consider the representation given by the writ petitioners and to pass orders on merits of course on the basis of order dated 04.12.2012 made in W.P.No.6327 of 2005.



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7. Therefore, if the appellant Department considered the said representation and passed an order either way on merits, the parties could have worked out their remedy depending upon the decision to be made in this regard by the appellant Department in disposing the representation as directed by the Writ Court.

8. Without resorting to such a method, the present appeal has been filed for no good reason, therefore this Court has no hesitation to hold that this writ appeal is deserved to be rejected accordingly, for the aforestated discussion, the present appeal is dismissed without costs. Consequently, connected miscellaneous petition is also dismissed.

[R.S.K., J.]

[C.K., J.]

06.10.2023

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

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and  
C.KUMARAPPAN, J.

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