



WEB COPY



S.T.A.Nos.3 to 5 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

**S.T.A.No.3 of 2017, S.T.A.No.4 of 2017
and S.T.A.No.5 of 2017**

and

C.M.P.No.17976 of 2017 in S.T.A.No.3 of 2017

and

C.M.P.No.17977 of 2017 in S.T.A.No.4 of 2017

and

C.M.P.No.17978 of 2017 in S.T.A.No.5 of 2017

Sri Raja Chikku Deva Royal (deceased)
Sri Raja Surendra Deva Royal (deceased)
Smt.Rajarajeswari Devi
rep. By N.B.Gurudeva
Power Agent to Nelliylam Janmies
No.4, FTI Colony, Near Water Tank,
Nandhini Layout, Bangalore – 560 096.

.. Appellants in
all the appeals

Vs.

- 1.Harrisons Malayalam Limited
having its registered office
P.O. Box No.502, Bristow Road,
Wellington Island,
Cochin, Kerala State.
- 2.The Tahsildar,
Gudalur Taluk, Nilgiris District.
- 3.The District Forest Officer,
Gudalur, Nilgiris District.



S.T.A.Nos.3 to 5 of 2017

4.State of Tamil Nadu rep. By
The Collector of Nilgiris,
Udhagamandalam.

5.Joint Receivers,
Nilambur Kovilagam, Nilambur.

.. Respondents in
S.T.A. No.3 of
2017

1.Woodbriar Estate Limited,
Devershola Post, Gudalur Taluk,
The Nilgiris – 643 207.

2.The Settlement Officer
(Gudalur Janmam Lands)
O/o the District Collector,
Udhagamandalam.

3.The Tahsildar,
Gudalur Taluk, Nilgiris District.

4.The District Forest Officer,
Gudalur, Nilgiris District.

5.Joint Receivers,
Nilambur Kovilagam, Nilambur.

6.M/s.Raja Sundara Deva Royal,
No.45, Maruthi Layout,
RMV 2nd Stage, Opp. HIG Colony,
Nagashettyhalli, Bangalore – 560 094.

7.State of Tamil Nadu rep. By
The Collector of Nilgiris,
Udhagamandalam.

.. Respondents in
S.T.A. No.4 of
2017

1.Hindustan Lever Limited,
Tea Estate India Division,
Devarshola Post, The Nilgiris.
Now known as Hindustan Unilever Limited
Having its Registered Office at
165/166, Backbay Reclamations,
Mumbai.



S.T.A.Nos.3 to 5 of 2017

- 2.Tea Estate India Limited,
A Company incorporated under the
Indian Companies Act having its
Registered Office at No.10, Damu Nagar,
Coimbatore.
- 3.Taishola Plantations (Pvt) Ltd.,
A Company incorporated under the
Indian Companies Act, 1956
Having its registered office at
No.165/166, Backbay Reclamations,
Mumbai.
- 4.Devarshola Estate (Pvt) Ltd.,
A Company incorporated under the
Indian Companies Act, 1956
Having its Registered Office at
No.165/166, Backbay Reclamations,
Mumbai.
- 5.The Settlement Officer
(Gudalur Janmam Lands)
O/o. The District Collector,
Udhagamandalam.
- 6.The Tahsildar,
Gudalur Taluk, Nilgiris District.
- 7.The District Forest Officer,
Gudalur, Nilgiris District.
- 8.Joint Receivers,
Nilambur Kovilagam, Nilambur.
- 9.M/s.Raja Sundara Deva Royal,
No.45, Maruthi Layout,
RMV 2nd Stage, Opp. HIG Colony,
Nagashettyhalli, Bangalore – 560 094.
- 10.Kadamban Namboodripad,
Naduvathumana, Vandoor Post,
Malappuram District, Kerala.



S.T.A.Nos.3 to 5 of 2017

11.Subramanian Namboodripad,
Naduvathumana, Vandoor Post,
Malappuram District, Kerala.

12.State of Tamil Nadu rep. By
The Collector of Nilgiris,
Udhagamandalam.

.. Respondents in
S.T.A. No.5 of
2017

Prayer in S.T.A. No.3 of 2017: Special Tribunal Appeal filed under Section 41 of The Gudalur Janmam Estates Abolition and Conversion to Ryotwari Patta Act, 1969 against the order and decretal order dated 12.04.2017 in C.M.A. No.17 of 2008 on the file of Janmam Estates Abolition Tribunal and the District Judge of the Nilgiris, Udhagamandalam.

Prayer in S.T.A. No.4 of 2017: Special Tribunal Appeal filed under Section 41 of The Gudalur Janmam Estates Abolition and Conversion to Ryotwari Patta Act, 1969 against the order and decretal order dated 07.04.2017 in C.M.A. No.19 of 2008 on the file of Janmam Estates Abolition Tribunal and the District Judge of the Nilgiris, Udhagamandalam.

Prayer in S.T.A. No.5 of 2017: Special Tribunal Appeal filed under Section 41 of The Gudalur Janmam Estates Abolition and Conversion to Ryotwari Patta Act, 1969 against the order and decretal order dated 07.04.2017 in C.M.A. No.20 of 2008 on the file of Janmam Estates Abolition Tribunal and the District Judge of the Nilgiris, Udhagamandalam.

For Appellants	:	Ms.S.Vinodha for Mr.M.Rajendiran in all STAs
For Respondents	:	Mr.A.S.Bhargavnath for Mr.N.Senthilkumar for R1 in S.T.A.Nos.3 and 4 of 2017 Mr.Madhan Babu for R1 in S.T.A. No.5 of 2017



S.T.A.Nos.3 to 5 of 2017

COMMON JUDGMENT

WEB COPY

(Judgment of the Court was delivered by **M.Sundar, J.**)

This common order will now dispose of captioned matters.

2. This common order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listings on 19.01.2024 and 23.01.2024 which read as follows:

'Proceedings dated 19.01.2024:

Captioned three main appeals i.e., 'Special Tribunal Appeals' ['STAs' in plural and 'STA' in singular for the sake of brevity and convenience] are statutory appeals under Section 41 of 'The Gudalur Janmam Estates (Abolition and Conversion into Ryotwari) Act, 1969 [Tamil Nadu Act No.24 of 1969]' {hereinafter 'Janmam Act' for the sake of convenience and clarity}.

2. Therefore, captioned three STAs i.e., 'S.T.A.No.3 of 2017' ['I STA' for the sake of convenience], 'S.T.A.No.4 of 2017' ['II STA' for the sake of convenience] and 'S.T.A.No.5 of 2017' ['III STA' for the sake of convenience] are before us as a Special Appellate Tribunal vide Section 41 of 'Janmam Act'.

3. I STA is directed against an order dated 12.04.2017 in C.M.A.No.17 of 2008 on the file of 'Janmam Estates Abolition Tribunal [District Judge of the Nilgiris], Udthagamandalam' [hereinafter 'said Tribunal' for the sake of convenience and clarity]. II STA is directed against an order dated 07.04.2017 in C.M.A.No.19 of 2008 also on the file of said Tribunal. III STA is directed against an order dated 07.04.2017 in C.M.A.No.20 of 2008



S.T.A.Nos.3 to 5 of 2017

also on the file of said Tribunal.

4. Aforementioned three orders made by said Tribunal shall be referred to as 'impugned orders' for the sake of convenience and clarity.

5. Ms.S.Vinodha from the Chambers of Mr.S.Rajendiran, counsel on record for the appellant in 3 STAs and Mr.A.S.Bhargavnath, learned counsel for first respondent in I STA [Harisons Malayalam Limited] and first respondent in II STA [Woodbriar Estate Limited] and Mr.Madhan Babu, learned counsel for first respondent in III STA [Hindustan Lever Limited] are before us.

6. Learned counsel for first respondent in the captioned three STAs point out that three impugned orders of said Tribunal are remand orders. Learned counsel also pointed out that pursuant to the remand, the Original Authority, namely Settlement Officer/ District Revenue Officer, Gudalur Janmam Lands, Gudalur, Nilgiris District has passed orders on 17.10.2019 [Rc.V.No.192/2017-Hindustan Lever Limited], 22.10.2019 [Rc.V.No.191/2017-Harisons Malayalam Limited] and 24.10.2019 [Rc.V.No.193/2017-Woodbriar Estate Limited]. This means that the impugned orders made by said Tribunal have worked itself out and the captioned STAs have become infructuous. Furthering their submissions in the these lines, learned counsel also pointed out that the aforementioned three orders made by Original Authority have now been assailed before said Tribunal vide Civil Miscellaneous Appeals.

7. Faced with the above situation, learned counsel for appellant in STAs requested for a short accommodation. Request acceded to.

List on Tuesday. List on 23.01.2024.'

'Proceedings dated 23.01.2024:

Read this in conjunction with and in



WEB COPY



S.T.A.Nos.3 to 5 of 2017

continuation of earlier proceedings made in the previous listing on 19.01.2024. Today, Mr.A.S.Bhargavnath, learned counsel for first respondent in I STA [Harisons Malayalam Limited] as well as first respondent in II STA [Woodbriar Estate Limited] and Mr.Madhan Babu, learned counsel for first respondent in III STA [Hindustan Lever Limited] are before us but there is no representation for the appellants in all three STAs and obviously in the CMPs. In the light of the earlier proceedings, with the intention of giving one more opportunity to the counsel for appellants, list this matter tomorrow but it is made clear that the listing tomorrow will be peremptory, in other words, if there is no representation for the appellants tomorrow also, orders will be made on the basis of available records.

List on 24.01.2024.'

3. Before proceeding further, we make it clear that the aforementioned 19.01.2024 and 23.01.2024 proceedings have to be read as an integral part and parcel of this common order. This means that the abbreviations, short forms and short references used in the earlier proceedings will continue to be used in the instant common order also.

4. Today, Ms.S.Vinodha, learned counsel from the chambers of Mr.M.Rajendiran, counsel on record for appellant in captioned three STAs and Mr.A.S.Bhargavnath, learned counsel for first respondent in I STA [Harisons Malayalam Limited] as well as first respondent in II STA [Woodbriar Estate Limited] and



S.T.A.Nos.3 to 5 of 2017

Mr.Madhan Babu, learned counsel for first respondent in III STA
[Hindustan Lever Limited] are before us.

5. All the aforementioned three counsel submit in one voice in unison that the aforementioned 19.01.2024 proceedings captures all essential facts correctly and it also captures the trajectory the matter has taken thus far. Be that as it may, what is of greater significance is today Ms.S.Vinodha, learned counsel adverting to earlier proceedings very fairly submitted that the captioned three STAs have become infructuous owing to the trajectory they have taken which has been captured in our 19.01.2024 proceedings (extracted and reproduced supra). Learned counsel has also made endorsements in the case files in this regard and scanned reproduction of the same are as follows:

CMP-NO:17976/2017
and
S.T.A.NO:3/2017
Became infructuous
S.Vinodha
(2024/2016)
for M.Pajendaran
24/01/2024.



WEB COPY



S.T.A.Nos.3 to 5 of 2017

STA-4 of 2017
and
CMP.No:17977/2017 become infructuous.
S. Vinodha (3034/2016)
for
M. Rajendiran
Counsel for appellants
24/01/2024.

CMP.No:17978/2017
and
S.T.A.No:5/2017
become infructuous
S. Vinodha
(3034/2016)
24/01/2024.
for (M. Rajendiran).



S.T.A.Nos.3 to 5 of 2017

6. In the light of the narrative thus far, captioned three STAs are disposed of as closed having become infructuous. Consequently, captioned CMPs thereat are also disposed of as closed. Though obvious we make it clear that we have not expressed any view or opinion on the merits of the matter in this common order and the second round of proceedings which is now underway shall continue untrammelled by this common order.

7. Captioned three STAs and captioned three CMPs thereat are disposed of as closed in the aforesaid manner. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
23.01.2024

Index:Yes/No

Neutral Citation: Yes/No

mmi

To

1.The Tahsildar,
Gudalur Taluk, Nilgiris District.

2.The District Forest Officer,
Gudalur, Nilgiris District.

3.The Collector of Nilgiris,
Udhagamandalam.

4.Joint Receivers,
Nilambur Kovilagam, Nilambur.

5.The Settlement Officer
(Gudalur Janmam Lands)
O/o the District Collector,
Udhagamandalam.



WEB COPY



S.T.A.Nos.3 to 5 of 2017

**M.SUNDAR.J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

mmi

S.T.A. Nos.3 to 5 of 2017

24.01.2024