



C.R.P.(MD)No.2100 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2100 of 2025

and

C.M.P.(MD)No.12206 of 2025

1.The District Forest Officer,
Tirunelveli District.

2.The Forest Range Officer,
Courtallam Range,
Shencottai, Tenkasi District.

3.The Tahsildar,
Tenkasi.

4.The State of Tamil Nadu,
Rep. by the District Collector,
Tirunelveli District.

...Petitioners

Vs.



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G.Thirumalaiaimmal (Died)

1.M.Shunmugam

2.M.Subbammal

3.A.Kuthalammal

4.M.Vanasundari

5.M.Vanarajanm

Asokan (Died)

6.M.Paulraj

7.M.Balasubramanian

...Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, praying to set aside the order passed in I.A.No.1 of 2024 in I.A.No.117 of 2012 in unnumbered A.S. on the file of Principal Subordinate Court, Tenkasi dated 09.06.2025 and consequently allow the Civil Revision Petition.

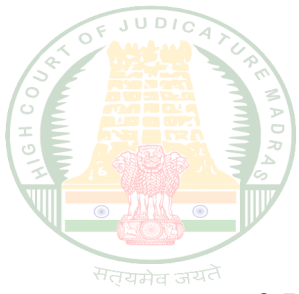
For Petitioners : Mr.B.Saravanan

Additional Government Pleader

For Respondents : No appearance

ORDER

This petition has been filed seeking to set aside the order passed in I.A.No.1 of 2024 in I.A.No.117 of 2012 in unnumbered A.S. on the file of Principal Subordinate Court, Tenkasi dated 09.06.2025.



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2.Learned Additional Government Pleader appearing for the petitioners would submit that the suit schedule property is situated in the reserve forest area for which the respondents / plaintiffs filed a suit for declaration and permanent injunction, by way of adverse possession and the decree was granted in their favour, as against which the petitioners have not preferred the appeal in time. Thereafter, the petitioners filed I.A.No.117 of 2012, before the Sub Court, Tenkasi, seeking to condone the delay of 1615 days in filing the appeal. The said delay petition was dismissed for default. Again, the petitioners filed restoration petition in I.A.No.1 of 2024, with a delay of 1717 days delay and the same was dismissed. Challenging the same, the present Civil Revision Petition has been filed.

3.Though the names of the respondents are printed in the cause list, there is no representation on their behalf. Considering the pendency of this Civil Revision Petition, this Court is inclined to dispose of this Civil Revision Petition with the available records.

4.Learned Additional Government Pleader for the petitioners would submit that admittedly, there was enormous delay in filing the I.A.117 of 2012,

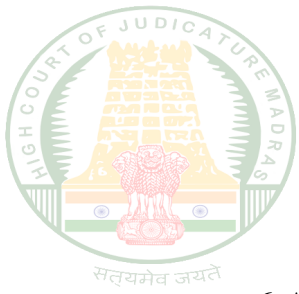


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in filing the appeal. However, the same was dismissed for default on 21.02.2019. For restoration, again there was a huge delay of nearly 1717 days.

All those delay occurred only due to the inaction of the officials of the forest department, for which the appropriate authority will take disciplinary action against the concerned officials for not filing appeal in time and not taken steps to restore the same. He would further submit that for the fault of the officials of the forest department, the lands which are allegedly classified as reserve forest cannot be allowed to be encroached and enjoyed by private individuals and the same is contrary to the judgments rendered by the Hon'ble Apex Court and accordingly, prays for appropriate orders.

5.Considering the facts and circumstances of the case, since the reserve forest area was sought to be encroached, though there has been enormous delay and there has been no proper explanation for the delay, the forest lands cannot be allowed to be enjoyed by private individuals. Also the petitioners themselves have come forward to take disciplinary action against the officials concerned. Further the lower appellate Court has to consider whether the suit schedule land is reserve forest land or private land and the same is a moot question before the appellate court, for which no serious prejudice is caused to the respondents.



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6. Accordingly, this Civil Revision Petition is allowed and the delay is condoned and the trial Court is directed to restore the I.A. and number the first appeal and dispose of the first appeal in accordance with law. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

22.08.2025

Internet: Yes/No

Index: Yes/No

MR



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To

- 1.The Principal Subordinate Court,
Tenkasi.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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