

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)...../2012
CC 13161/2012

(From the judgement and order dated 08/09/2011 in WA No.1585/2011, of The
HIGH COURT OF MADRAS)

DISTT.FOREST OFFICER ERODE DISTT. Petitioner(s)

VERSUS

B.R.VISWANATHAN AND ORS. Respondent(s)

(With appln(s) for c/delay in filing SLP)

Date: 09/08/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s) Mr. S.Gurukrishna Kumar,Sr.Adv.
Mr. B.Balaji,Adv.
Mr. A.Prasanna Venkat,Adv.

For Respondent(s) Mr. Balaji SubramaniunAdv.
Mr. Abhinav Mukerji,Adv.

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.

Learned counsel for the petitioner brought to our knowledge specifically to paragraphs 3 at page 33 and paragraphs 5,6 and 11 at pages 35 and 36 of the rejoinder affidavit filed before the Division Bench of the High Court stating that in the S.F. No.642 out of total extent 123.40.5 hectare 54.02.0 hectare with boundary description was notified under Section 4 of the

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Tamilnadu Forest Act, 1882 during 1977. Further, it was also stated that the State is in possession and enjoyment of the land. Those aspects were pointed out but were not considered by the learned single Judge and the Division Bench of the High Court. Further, it was admitted that the petitioner had not admitted before the High Court that the writ petitioner was in possession of survey no.642.

Petitioner, under the above circumstances, sought permission to file a review petition before the Division Bench of the High Court. Liberty granted. If the petitioner files a review petition within a period of one month, the same will be decided on merits after issuing notice to the parties. Period of limitation will not stand in the way of the High Court in entertaining the review petition.

The special leave petition is disposed of.

It is made clear that we have not expressed any opinion on the merits of the case.

[SUMAN WADHWA]
COURT MASTER

[RENUKA SADANA]
COURT MASTER