

# SUPREME COURT OF INDIA

Natesan Agencies

Vs.

Secretary to Govt. Environment & Forest Department

C.A.No.5397 of 2010

(Uday U.Lalit and Dinesh Maheshwari

05.02.2020

## ORDER

**Uday U.Lalit,J.,**

1. Delay Condoned.

2. Put in a nutshell, the relevant background aspects of this matter are as follows: The appellant firm had taken the land in question on lease for a period of 5 years (from 01.07.1972 to 30.06.1977) from its owner, Sri Nanamamalai Jeer Mutt, Nanguneri, for plantation and co-related purposes. By the notification dated 06.03.1976 issued under the Wild Life (Protection) Act, 1972, the land in question was proposed to be included in the wild life sanctuary. However, a fresh long-term lease for a period of 25 years (from 01.07.1977 to 30.06.2002) was made in favour of the appellant. The appellant and the Mutt attempted to get the land in question excluded from the sanctuary but remained unsuccessful. On the other hand, proceedings for award of compensation in relation to the land in question remained under contemplation. However, instead of making any award, the collector issued the order dated 19.11.1993, excluding the land in question from the limits of wild life sanctuary. Being aggrieved by such exclusion, the Mutt and the appellant filed a writ petition before the High Court, which was allowed by the Single Judge but then, the Division Bench of High Court, in its judgment dated 18.09.1997, did not approve the order so passed by the Single Judge and, while acknowledging the power of the Government to withdraw from the notification, dismissed the writ petition but left it open for the appellant and the Mutt to approach the appropriate forum in relation to their claim for damages. Thereafter, on 08.06.1998, the appellant instituted the civil suit for damages against the State while alleging that it had been prevented from using the land in question from the year 1976 to the year 1993.

3. The civil suit so filed by the appellant was decreed by the learned Single Judge of the High Court but, the Division Bench reversed the decree and dismissed the suit by way of its judgment and decree dated 26.02.2007 in OSA Nos. 193 of 2002 and 178 of 2003.

4. Having examined the matter in its totality, this Court found that after issuance of the notification dated 06.03.1976 and inclusion of the subject land therein, there was no occasion for the appellant acquiring any further right in the land after expiry of the term of lease on 30.06.1977 and hence, the alleged second lease for a period of 25 years was of no effect; and the appellant had no right to claim damages from the State. It was also found that there was nothing on record to suggest that appellant was prevented by the State from going inside the forest and collecting usufructs and hence, there was no basis for the appellant to maintain an action for damages.

5. The question of limitation, though left unanswered by the Division Bench of High Court, was also examined by this Court and it was found that in the earlier proceeding, the appellant sought exclusion of the land from sanctuary and asserted that State ought to take the land and pay compensation whereas the claim in the present suit was founded on the ground that the plaintiff had suffered loss due to the proceedings under Wild Life (Protection) Act, 1972 and then, due to exclusion of the land in question from acquisition. It was, therefore, found that the relief claimed in the present suit was different and matter-in-issue was not the same as that of the earlier proceeding and hence, the appellant was not entitled to the benefit of Section 14 of the Limitation Act.

6. Having examined the record and the grounds stated, we are unable to find any error apparent on the face of the record calling for review of the judgment dated 20.08.2019.

7. The review petition is, therefore, dismissed.