



WEB COPY



WP No. 24785 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**WP No. 24785 of 2026 AND
WMP Nos. 27021 and 27367 OF 2026**

R.Geetha
W/o. Rajaram, No.2/357-A, Sathya Nagar,
Kamarajar Street, Thadangam, Dharmapuri,

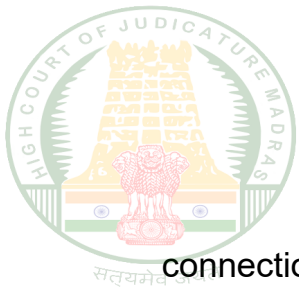
..Petitioner

Vs

1. The Registrar General
High Court Of Madras, High Court Campus,
Chennai-600 104.
2. The Principal Secretary To Government,
Home (Court V) Department,
Fort Saint George, Chennai-9.
3. The Principal District Judge,
Dharmapuri.
4. The Principal Accountant General (A And E)
AG-s Office (Audit) Complex,
Anna Salai, Roast Recover Garden,
Teynampet, Chennai 600 018.
5. The District Treasury Officer,
Dharmapuri.

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India for a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent in



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connection with proceedings ROC No.5084/ 2022 dated 28.07.2022 and quash the same and consequently direct the 4th and 5th respondents to repay the amount paid by the petitioner.

For Petitioner : Mr.P.Thirumalaivasan

For Respondent(s): Mr.K.Umesh Rao for R1 & R3,
Dr.R.Gouri, Government Counsel for R2 & R5
Mr.ANR.Jaya Prathap for R4

Order

(Order of the Court was made by S.M.Subramaniam J.)

The present writ petition has been instituted by the retired staff of the Judicial Department challenging the order of refixation and recovery,

2. The petitioner served as Clerk and retired from service voluntarily on 31.05.2022. No action was initiated by her regarding the order impugned during relevant point of time. Now after a lapse of more than four years, the present writ petition has been filed challenging the refixation and consequential recovery imposed by the competent authority.

3. Learned counsel for the respondents 1 & 3 would submit that the writ petition is hit by the principles of delay and laches. He relies on the judgment of the Hon'ble Supreme Court in the case of **Mrinmoy Maity vs Chhanda**



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Koley 2024 INSC 314 dealing with the issue of delay and laches, wherein it was held as under:

12. It is apposite to take note of the dicta *laid down* by this Court in *Karnataka Power Corportion Ltd. and another v. K. Thangappan and another*, (2006) 4 SCC 322 whereunder it has been held that the High Court may refuse to exercise extraordinary jurisdiction if there is negligence or omissions on the part of the applicant to assert his right. It has been further held thereunder:

“6. Delay or laches is one of the factors which is to be borne in mind by the High Court when they exercise their discretionary powers under *Article 226* of the Constitution. In an appropriate case the High Court may refuse to invoke its extraordinary powers if there is such negligence or omission on the part of the applicant to assert his right as taken in conjunction with the lapse of time and other circumstances, causes prejudice to the opposite party. Even where fundamental right is involved the matter is still within the discretion of the Court as pointed out in *Durga Prashad v. Chief Controller of Imports and Exports* [(1969) 1 SCC 185 : AIR 1970 SC 769] . Of course, the discretion has to be exercised judicially and reasonably.



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7. What was stated in this regard by Sir Barnes Peacock in *Lindsay Petroleum Co. v. Prosper Armstrong Hurd* [(1874) 5 PC 221 : 22 WR 492] (PC at p. 239) was approved by this Court in *Moon Mills Ltd. v. M.R. Meher* [AIR 1967 SC 1450] and *Maharashtra SRTC v. Shri Balwant Regular Motor Service* [(1969) 1 SCR 808 : AIR 1969 SC 329]. Sir Barnes had stated:

“Now, the doctrine of laches in courts of equity is not an arbitrary or a technical doctrine. Where it would be practically unjust to give a remedy either because the party has, by his conduct done that which might fairly be regarded as equivalent to a waiver of it, or where by his conduct and neglect he has though perhaps not waiving that remedy, yet put the other party in a situation in which it would not be reasonable to place him if the remedy were afterwards to be asserted, in either of these cases, lapse of time and delay are most material. But in every case, if an argument against relief, which otherwise would be just, is founded upon mere delay, that delay of course not amounting to a bar by any



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statute of limitation, the validity of that defence must be tried upon principles substantially equitable. Two circumstances always important in such cases are, the length of the delay and the nature of the acts done during the interval which might affect either party and cause a balance of justice or injustice in taking the one course or the other, so far as it relates to the remedy.”

8. It would be appropriate to note certain decisions of this Court in which this aspect has been dealt with in relation to [Article 32](#) of the Constitution. It is apparent that what has been stated as regards that article would apply, a fortiori, to [Article 226](#). It was observed in [Rabindranath Bose v. Union of India](#) [(1970) 1 SCC 84 : AIR 1970 SC 470] that no relief can be given to the petitioner who without any reasonable explanation approaches this Court under [Article 32](#) after inordinate delay. It was stated that though [Article 32](#) is itself a guaranteed right, it does not follow from this that it was the intention of the Constitution-makers that this Court should disregard all principles and grant relief in petitions filed after inordinate delay.



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9. It was stated in *State of M.P. v. Nandlal Jaiswal* [(1986) 4 SCC 566 : AIR 1987 SC 251] that the High Court in exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in exercise of its writ jurisdiction. It was stated that this rule is premised on a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy because it is likely to cause confusion and public inconvenience and bring, in its train new injustices, and if writ jurisdiction is exercised after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. It was pointed out that when writ jurisdiction is invoked, unexplained delay coupled with the creation of third-party rights in the meantime is an important factor which also weighs with the High Court in deciding whether or not to exercise such jurisdiction.”

4. In view of the fact that the present writ petition has been filed after an enormous delay from the date of issuance of the order as well as the date of



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voluntary retirement of the petitioner, the present writ petition is not entertainable and the same stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (N.S.,J.)
03-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST

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AND
N.SENTHILKUMAR J.**

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