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CMP No. 20132 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

CMP No. 20132 of 2024

AND

WA SR NO. 114578 OF 2024

1. The Secretary to Government
Home Department, Fort St.George,
Chennai-600 009.
2. Director General of Police
Director General of Prisons and Correctional
Services, TamilNadu Prisons and Correctional
Services Department Whannels Road,
Egmore, Chennai 600 008

..Appellants

Vs

D Selvi
W/o. Stephen Raj, Grade II Warder, Special
Prison, Vellore.

..Respondents

Prayer : To condone the delay of 744 days in filing the above Writ Appeal against the order dated 17.03.2021 made in WP No.6168 of 2021 and thus render justice.

For Appellant(s):
For Respondent(s):

Dr.R.Gouri, Government Counsel
Mr.T.Dhanush
for M/s.G.Bala and Daisy



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Order

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

The present miscellaneous petition has been instituted to condone the delay of 744 days in filing the writ appeal against the order dated 17.03.2021 passed in W.P.No.6168 of 2021.

2. The delay is enormous. However, the Inspector General of Prisons filed an additional affidavit setting out grounds for delay. The dates and events stated in the additional affidavit would show that the writ order was passed on 17.03.2021 and the web copy of the order was received by the Department on 19.04.2021. Detailed order was called for from the 2nd respondent within a period of nine days. Certified copy of the order was received within 76 days. Though the Department may prefer an appeal with the web copy, they have filed the appeal after receiving the certified copy. Be that as it may. A letter was sent to the Government Pleader for obtaining legal opinion within a period of 14 days. Unfortunately, the Government Pleader's office took 306 days for sending their opinion. For preparation of writ appeal, they took 151 days and fair copies of the writ appeal was prepared by the Government Pleader's Office and sent to the Department with a delay of 166 days.



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3. Therefore, the Government Pleader's office took one and half years for giving legal opinion and for sending fair copies of the writ appeal. The dates and events would show that the Government Pleader's Office had shown absolute insensitivity in dealing with the appeal affecting the public administration. The Courts are not expected to blame the department. In the present case, this Court is able to find out that the department acted promptly, but there is enormous delay on the part of the Government Pleader's office. Normally, the Court will be of the impression that the Department is committing delay. On seeing the dates, we found that the delay occurred in the Government Pleader's Office and they are accountable for the delay. For the delay committed by the office of the Government Pleader, the department need not be blamed. In respect of public service to be delivered to the general public, both the Department as well as the Government Pleader's Office are expected to act in tandem so as to ensure that the public interest is protected and wherever necessary, appeals are filed within the time stipulated under law.

4. This Court is frequently witnessing such inaction / omission / commission on the part of the Government Pleader's Office in filing appeals either before the High Court or before the Hon'ble Supreme Court of India.



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Such delay on the part of the Government Pleader's Office or Department is no doubt causing damage to public interest and public administration. Though this Court is taking a lenient view in condoning the delay whenever Government appeals are filed, but in certain circumstances, such leniency has been taken undue advantage by the Office of the Government Pleader and they are filing many such appeals with delay which cannot be appreciated.

5. In view of the facts and circumstances, the delay stands condoned on condition that the Government Pleader's Office pays a sum of Rs.10,000/- (Rupees Ten Thousand Only) towards costs to the State Legal Services Authority on or before **06.08.2026**. On production of the cost payment receipt, Registry shall number the writ appeal if the papers are otherwise in order. In the event of failure in payment of costs, W.A.SR.No.114578 of 2024 stands rejected automatically without any further reference or orders from this Court.

(S.M.S.,J.) (N.S.,J.)
24-07-2026

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**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

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