

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WA.No. 571 of 2007 (C) IN OP.1377/2001

AGAINST THE JUDGMENT IN OP 1377/2001 DATED 09-02-2005

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APPELLANT/7TH RESPONDENT IN THE O.P. :

V.T.DERICSON
OFFICE OF THE CHIEF TOWN PLANNER
THIRUVANANTHAPURAM.

BY ADVS.SMT.V.P.SEEMANDINI (SR.)
SMT.S.KARTHIKA
SRI.T.R.RAJESH
SRI.M.S.UNNIKRISHNAN
SRI.M.R.ANISON

RESPONDENTS/PETITIONERS & 1ST& 2ND RESPONDENT :

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1. MOHANAN E.P.
WAYANAD, NORTH KALPETTA P.O., WAYANAD.
 2. V.C.VIJAYAN, L.D.CLERK,
REGIONAL TOWN PLANNING OFFICE, ERNAKULAM, KOCHI-20.
 3. T.D.ABRAHAM, L.D.CLERK,
REGIONAL TOWN PLANNING OFFICE, ERNAKULAM, KOCHI-20.
 4. SHAJU PAUL.T.,
REGIONAL TOWN PLANNING OFFICE, ERNAKULAM, KOCHI-20.
 5. STATE OF KERALA, REP. BY THE SECRETARY,
LOCAL ADMINISTRATION, GOVT. SECRETARIATE
THIRUVANANTHAPURAM.
 6. CHIEF TOWN PLANNER, OFFICE OF THE CHIEF TOWN PLANNER
THIRUVANANTHAPURAM.

R1 TO R4 BY ADV. SRI.N.D.PREMACHANDRAN
R5 BY SR. GOVERNMENT PLEADER, SRI.P.I. DAVIS

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27-07-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

W.A. No. 571 OF 2007
and
C.M. Appl. No. 309 of 2007

Dated this the 27th day of July, 2015

JUDGMENT

Shaffique, J.

C.M. Appl. No. 309 of 2007 is filed seeking condonation of 718 days delay in filing the appeal. Counter affidavit has been filed by respondents 1 to 4 objecting to the above application.

2. In the affidavit filed in support of the application, it is stated that the appellant was on the bonafide belief that he need not challenge the general declaration made by learned Single Judge. But later the appellant had come to know that the said observation had a bearing over his rights, as steps were taken to review the already finalised seniority list.

3. We do not think that the reasons stated by the petitioner amounts to sufficient cause for condoning the delay. If the petitioner was aggrieved by the judgment of learned Single Judge, appropriate steps should have been taken to

W.A. No. 571 OF 2007 and
C.M. Appl. No. 309 of 2007

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prefer appeal within the specified time. Even the petitioner did not file a copy application within the specified time.

Under such circumstances, we do not find sufficient reason to condone the huge delay caused in filing the appeal. Hence the delay condonation application is rejected. Consequently, the appeal is also dismissed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**

ttb/22/07