



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Sixth day of July Two Thousand Sixteen
PRESENT

The Hon`ble Mr.Justice NOOTY. RAMAMOHANA RAO
and

The Hon`ble Mr.Justice S.S.SUNDAR

CMP(MD) No.6342 of 2016
IN
WA(MD) No.SR25414 of 2016

K.NAMBI THEVAR

... PETITIONER IN CMP(MD)NO.6342/2016
IN WA(MD) SR.NO.25414/2016

Vs

1.THE SUPERINTENDNET OF POLICE
THOOTHUKUDI DISTRICT, THOOTHUKUDI.

2.THE INSPECTOR OF POLICE
SEIDUNGANALLUR POLICE STATION,
SEIDUNGANALLUR, THOOTHUKUDI DISTRICT.

3 K.VANUMAMALAI @ GOPAL ... RESPONDENTS IN CMP(MD)NO.6342/2016
IN WA(MD) SR.NO.25414/2016

Prayer : This Miscellaneous Petition filed under Section 5
Limitation Act praying this Hon'ble Court to condone the delay of
1080 days in filing the Appeal as against the order made in WP.
(MD).No.10407/2013 dated 18.07.2013.

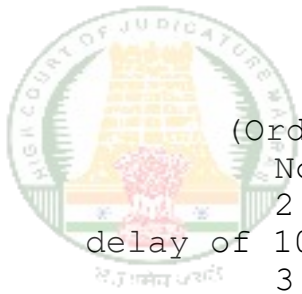
Prayer in WA(MD)No.SR.25414/2016:

Writ Appeal filed under clause 15 of Letter Patent praying to
set aside the order passed in W.P(MD)No.10407 of 2013 dated
18/07/2013 on the file of this Hon'ble Court and allow the Writ
Petition.

Prayer in WP(MD)No.10407/2013:-

Writ Petition is filed under Article 226 of the Constitution of
India, praying this Court to issue a Writ of Mandamus or any other
appropriate writ, order or direction in the nature of writ,
directing the respondents 1 and 2 to give a police protection to
conduct the temple festival to the Sempurapurikaraiyadi
Sudalaimadaswamy @ Pattanimadaswamy on 22/7/2013 to 24/7/2013.

ORDER : This petition is coming on for orders on this day
upon perusing the petition and the affidavit filed in support
thereof and the petitioner not appeared either in person or through
his Counsel, the Court made the following order:-



ORDER

(Order of the Court was made by **NOOTY.RAMAMOHANA RAO, J**)

None appears for the petitioner.

2.This is an application taken out seeking condonation of delay of 1080 days in preferring the accompanying writ appeal.

3.The writ petitioner has preferred this accompanying writ appeal calling in question the correctness of an order passed on 18.07.2013 nearly three years back disposing of the writ petition. During the course of the said order, the learned single Judge has taken note of the submissions made on behalf of the learned Government Pleader by giving directions to the petitioners to conduct the festival in respect of the temple newly built while the third respondent is entitled to conduct the festival with regard to the old one. So far as the worship is concerned, all the parties are made entitled to worship at both the temples.

4.The explanation offered for condonation of delay of nearly three years in preferring the accompanying writ appeal is that the learned counsel who appeared and conducted the case on behalf of the writ petitioner was subsequently appointed as Magistrate and the bundle relating to the case was misplaced. The reason offered for condonation of such a huge delay was far from satisfactory, as it is a routine ground taken. Further, when we have examined the matter on merits, we have not found anything improper in the directions issued by the learned single Judge in permitting the writ petitioner and the third respondent respectively in conducting the temple festival at the new and old temples respectively and in the matter of worship, liberty was also granted to all the parties to offer worship at both the temples. Therefore, we have not found any merit in the accompanying writ appeal as well to compel us to condone such a huge delay that had occasioned in preferring the accompanying writ appeal.

5.Accordingly, the application seeking condonation of delay of 1080 days in filing the accompanying writ appeal is dismissed. Consequently, the accompanying writ appeal is also dismissed.

Sd/-

Assistant Registrar(AE)

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE SUPERINTENDENT OF POLICE, THOOTHUKUDI DISTRICT, THOOTHUKUDI.
2.THE INSPECTOR OF POLICE, SEIDUNGANALLUR POLICE STATION,
SEIDUNGANALLUR, THOOTHUKUDI DISTRICT.

RL/3C/2P/SKS/RR/SARI/26/7/2016

ORDER Date :06/07/2016

ORDER

CMP(MD) No.6342 of 2016

IN

WA(MD) No.SR25414 of 2016

GIVING DIRECTIONS ETC., AS
STATED WITHIN