

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2017

CORAM

**THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN**

**C.M.P. No.8431 of 2017
in
W.A. No.SR 3698 of 2015
and
W.A. No.SR 3698 of 2015**

1.Government of Tamil Nadu represented by
District Collector, Villupuram District,
Villupuram.

2.The Special Tahsildar,
Adi Dravidar Welfare,
Kallakurichi, Villupuram District.

..Petitioners/Appellants

/Versus/

B. Tajudeen (Died)
1.B.Sadhick Basha
2.T.Badhusha
3.Aslam
4.Kurshid
5.Yasmin
6.K.Mamanandhal Adi Dravida Nala Sangam
represented by its
President M.Kannan.

.Respondents/Respondents

Prayer: Civil Miscellaneous Petition filed under Order IV Rules 9 (4) of as rules prays to condone the delay of 663 days in re-presenting the W.A.SR.No.3698 of 2015 against the order dated 04.07.2014 made in W.P.No.8793 of 2006.

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 04.07.2014 made in W.P.No.8793 of 2006.

For Petitioners/Appellants : Mrs.A.Srijeyanthi,
Special Government Pleader.

COMMON ORDER

(Order of the court was made by RMT.TEEKAA RAMAN,J.)

This Civil Miscellaneous Petition is filed by the petitioners to condone the delay of 663 days in filing this Writ Appeal against the order dated 04.07.2014 made in W.P.No.8793 of 2006.

2. There is a delay of 663 days in re-presenting the writ appeal as against the order passed by the learned single Judge in W.P.No.8793 of 2006 on 04.07.2014, wherein, the learned Single Judge has passed an order quashing the land acquisition proceedings wherein he has observed as under:-

“19. Here again, the order of the District Collector is non-speaking order. Neither the order nor file reflects the reasons substantiating the decision taken by the District Collector. In that event, the order of the District Collector and the issuance of section 4(1) notification preceding such order is not in conformity with the procedure laid down under law and is per se invalid arbitrary, against the mandate and in violation of the principles of natural justice.

20. Thus, for all the reasons discussed above, the

impugned section 4 (1) notification in respect of the petitioners land cannot be allowed to sustain and the same is liable to be quashed and is accordingly quashed."

3. Aggrieved against the said order, the Government has preferred an appeal and for certain defects, the papers have been returned by the registry and the Government Pleader's office has kept it and for 663 days and now they have come forward with this petition to condone the delay in re-presenting the appeal.

4. On going through the affidavit filed by the petitioners, we are not inclined to accept the reason stated as they are neither bona fide nor administrative delay. Further, in the impugned order, the learned Single Judge has observed that neither the order nor the file reflects the reasons for substantiating the decision taken by the District Collector which goes against the Government and therefore, viewed from any angle, we are of the considered view that the petition does not merit for consideration and the same is dismissed. Consequently, the writ appeal at SR stage is rejected. No costs.

(H.G.R.,J.)(T.K.R.,J.)

07.06.2017.

Index:Yes/No
Internet:Yes/No
rkp/ssk.

**HULUVADI G. RAMESH, J.
AND
RMT.TEEKAA RAMAN, J**

rkp/ssk.

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